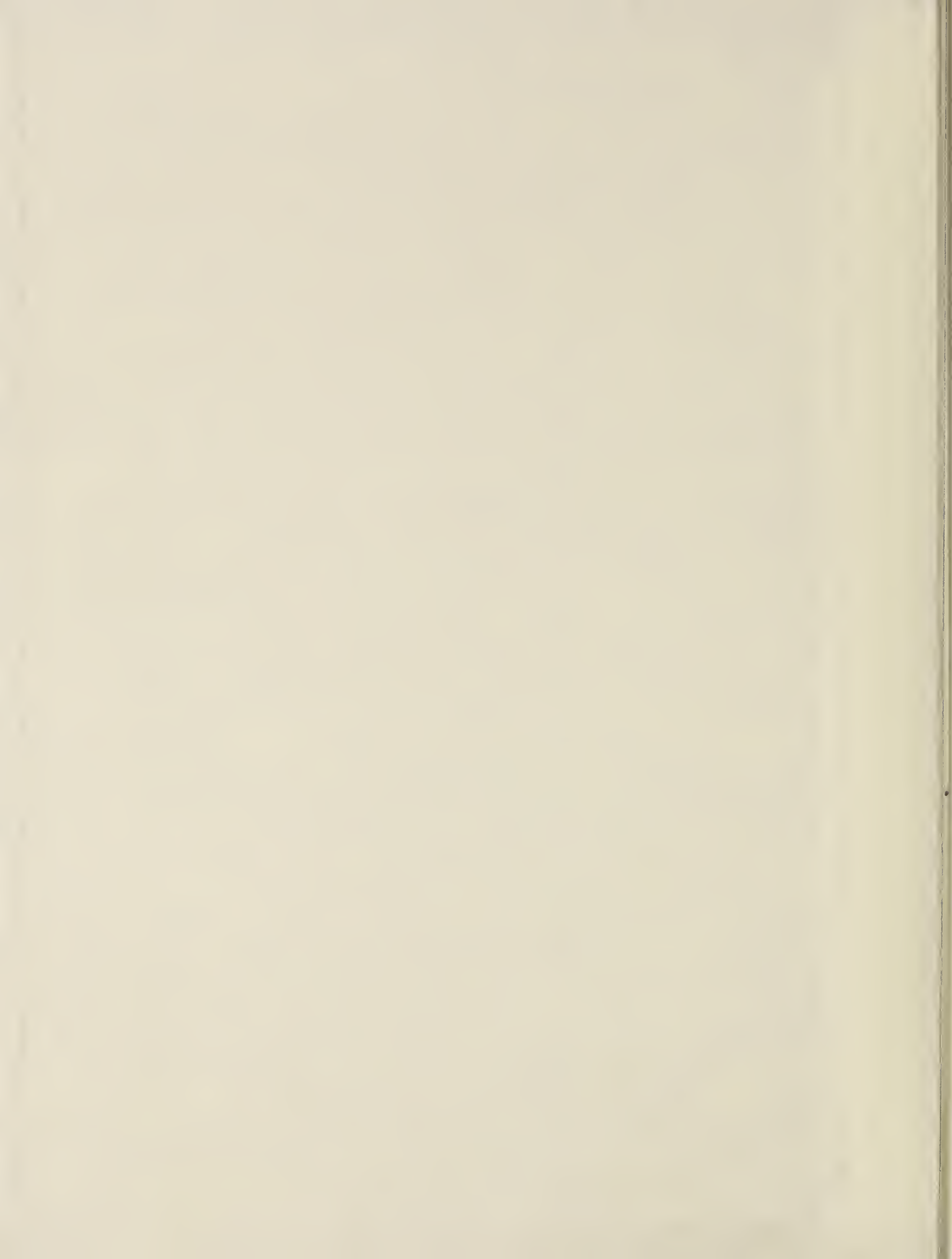






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Second Report

July 1976 - March 1977

Ombudsman | Ontario

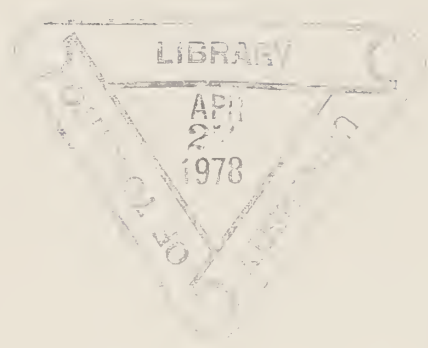
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The Ombudsman | Ontario

Second Report

July 11, 1976 — March 31, 1977





The Ombudsman | Ontario

ARTHUR MALONEY, Q.C.

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65 QUEEN STREET WEST, TORONTO, ONTARIO
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TELEPHONE (416) 362-7331

July 14th, 1977

The Speaker
Legislative Assembly
Province of Ontario
Toronto, Ontario

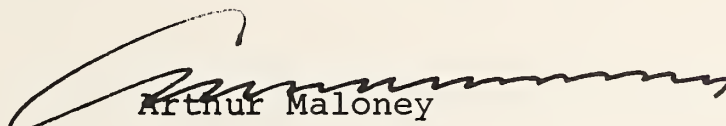
Dear Mr. Speaker:

I have the honour to present the Second
Report of the Ombudsman for the period July, 1976 -
March, 1977.

This report is submitted pursuant to
Section 12 of The Ombudsman Act, 1975.

Yours faithfully,

AM/mal


Arthur Maloney

ARTHUR MALONEY, C.R.

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L'Ombudsman | Ontario

le 14 juillet 1977

Monsieur le Président
L'Assemblée législative
Province de l'Ontario
Toronto, Ontario

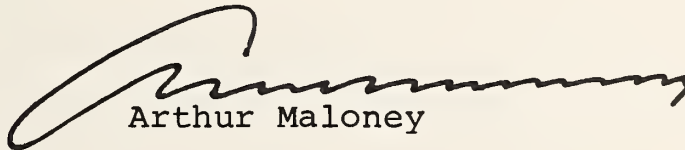
Monsieur le Président,

C'est un honneur pour moi de vous présenter
le Deuxième Rapport de l'Ombudsman pour la période
juillet 1976 - mars 1977.

Ce rapport vous est soumis conformément à
la Section 12 de La Loi de l'Ombudsman, 1975.

Bien à vous,

AM/mal



Arthur Maloney



The Gryphon

Symbolic of the law, The Ombudsman's GRYPHON comes to us from ancient mythology, and is alluded to in the Scriptures.

The Biblical counterpart of the Gryphon — THE CHERUBIM — guarded the entrance to Eden.

In Hellenic mythology, the Gryphon was a sacred beast of the Goddess "Nemesis" as an offspring of a lion and an eagle and, with its resultant capacity for swiftness and strength, it sped forth to avenge arbitrary acts upon man.

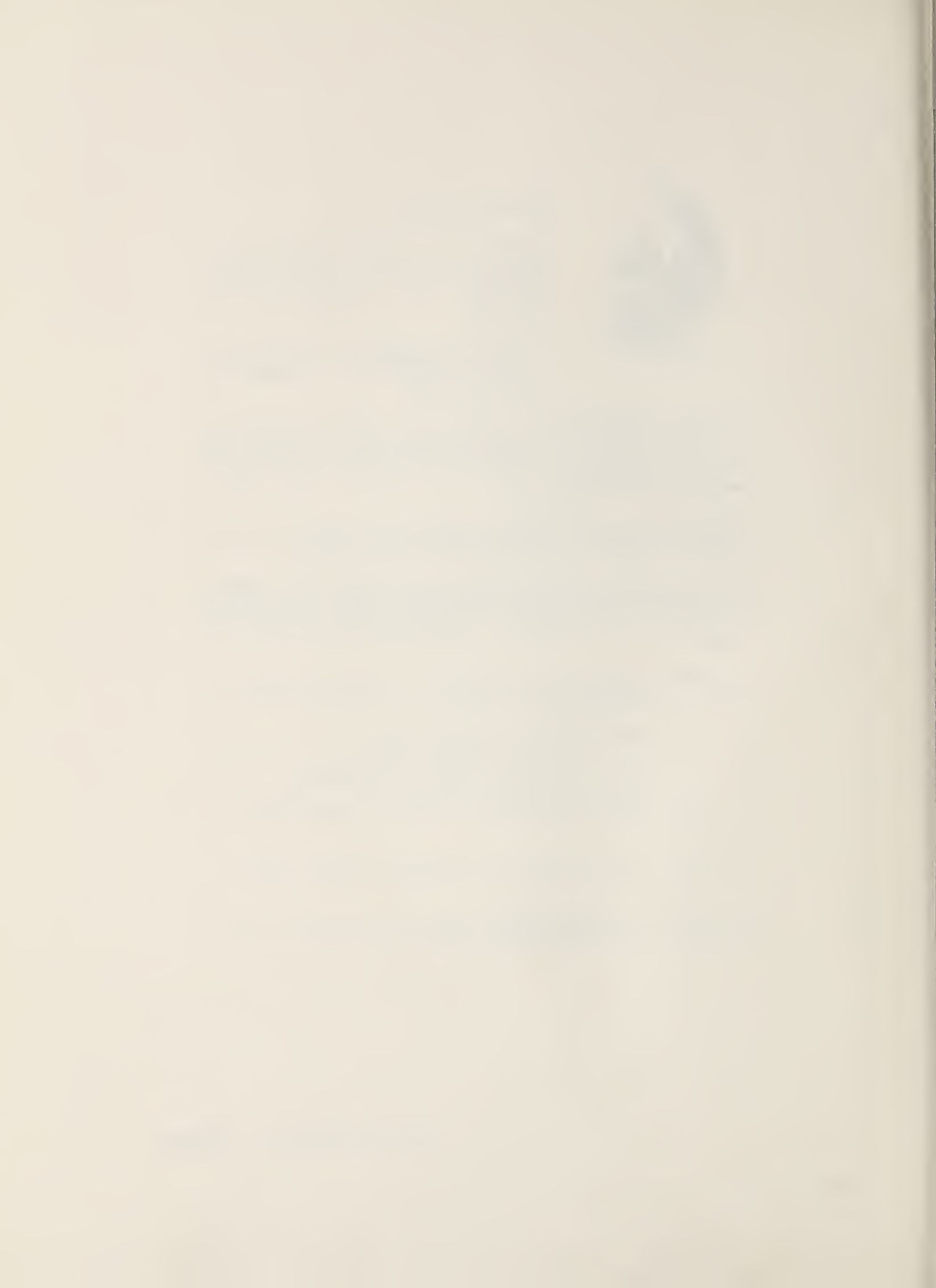
With the Gryphon drawing the chariot of the Golden Sun God "Apollo", this came to represent justice and moderation.

All these qualities, as well as the modern symbolism which depicts the Gryphon as the Guardian of the Rights of Man, are embodied in the marke as chosen by the Ombudsman for the Province of Ontario.

It suspends over four representations of the floral emblem of Ontario. . . "The Trillium".

-  One Trillium represents our Native people
-  One Trillium represents our people of French origin
-  One Trillium represents our people of Anglo-Saxon origin
-  One Trillium represents our people of other Ethnic origins

and thus "THE OMBUDSMAN" represents protection for the Social Rights and Cultural Integrity of all.





Le Griffon

Symbole de la loi, le GRIFFON de L'Ombudsman nous parvient de l'ancienne mythologie; les Ecritures saintes y font également allusion.

Dans la Bible, l'équivalent du Griffon — LE CHERUBIN — gardait l'entrée au Paradis.

Le Griffon, dans la mythologie grecque, était le monstre sacré de la déesse Némésis. Créature fabuleuse dotée du corps du lion et de la tête et des ailes de l'aigle, elle possède donc la force de l'un et la vitesse de l'autre, et est prompte à venger l'homme victime d'une action arbitraire.

C'est ainsi que l'image du Griffon tirant le char du dieu du soleil flamboyant, Apollon, représente la justice et la modération.

Toutes ces qualités associées au symbolisme moderne, sont représentées par le Griffon, gardien des droits de l'homme, et l'emblème choisi par l'Ombudsman de l'Ontario.

Il domine quatre trilliums, emblème floral de l'Ontario.



Un trillium représente notre population autochtone



Un trillium représente notre population d'origine française



Un trillium représente notre population d'origine anglo-saxonne



Un trillium représente notre population d'autres ethnies

et, par conséquent, "L'OMBUDSMAN", protecteur du citoyen, défend les droits sociaux et l'intégrité culturelle de tous.

TABLE OF CONTENTS

CHAPTER ONE

Introductory remarks	1
Statistical highlights	5
Correctional Report	20
South Cayuga Land Assembly	23
Budget	31
Salary administration program	32
Blueprint	35
Select Committee on the Ombudsman	39
Formal recommendations	47
Private hearings	56
Speaking engagements	57
Telephone system change	58
International Conference of Ombudsmen	59
Organizational charts	61

CHAPTER TWO

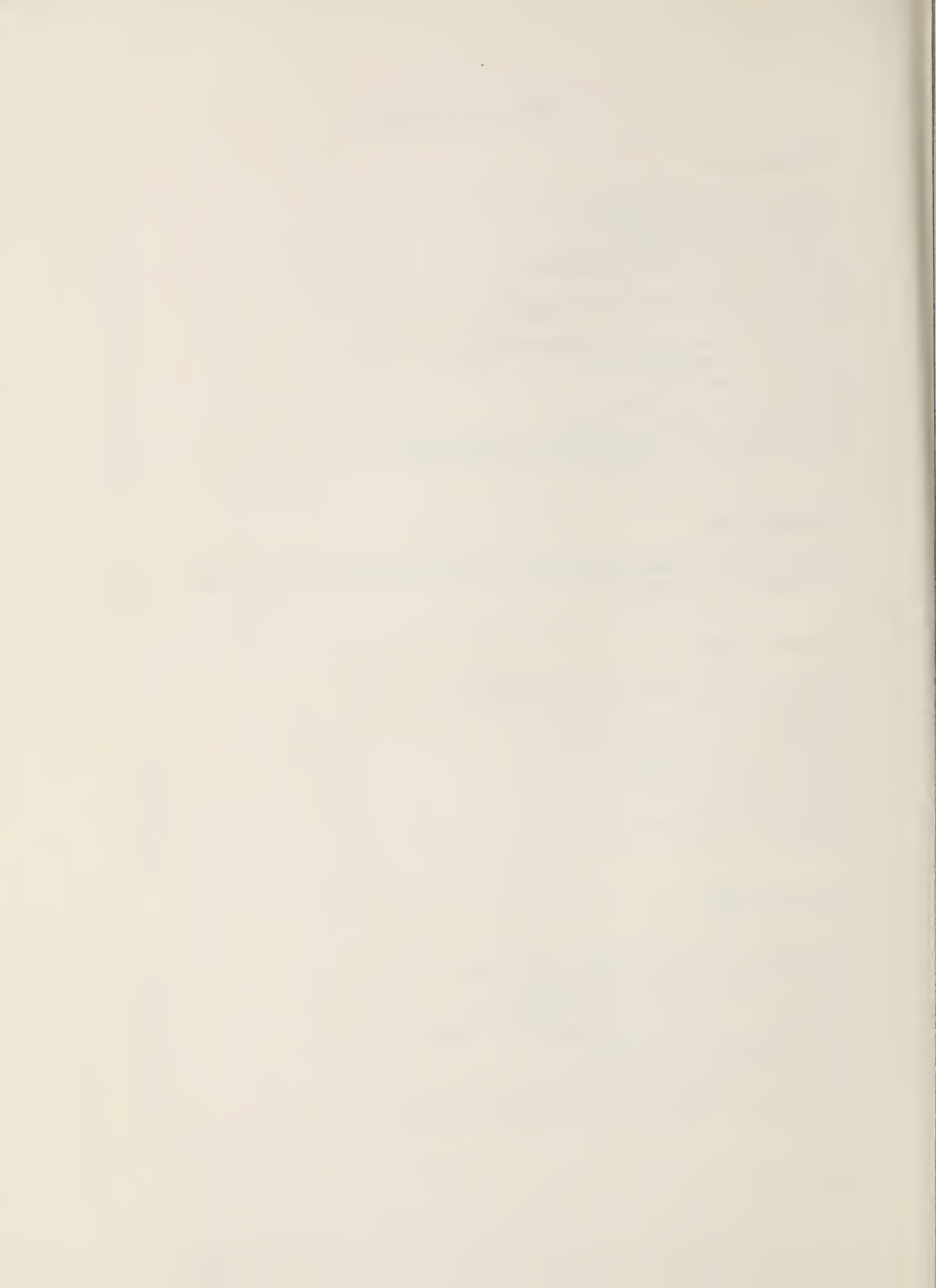
Report on the developments in the North Pickering case	64
Ombudsman's comments	92

CHAPTER THREE

Comprehensive statistical summary	
List of tables	95
Description of the system	97
Complaint reception	102
Complaint closings	105
Complaint assignment	107
Organizations	109
Complaint disposition	110
Tables 1 - 21	118

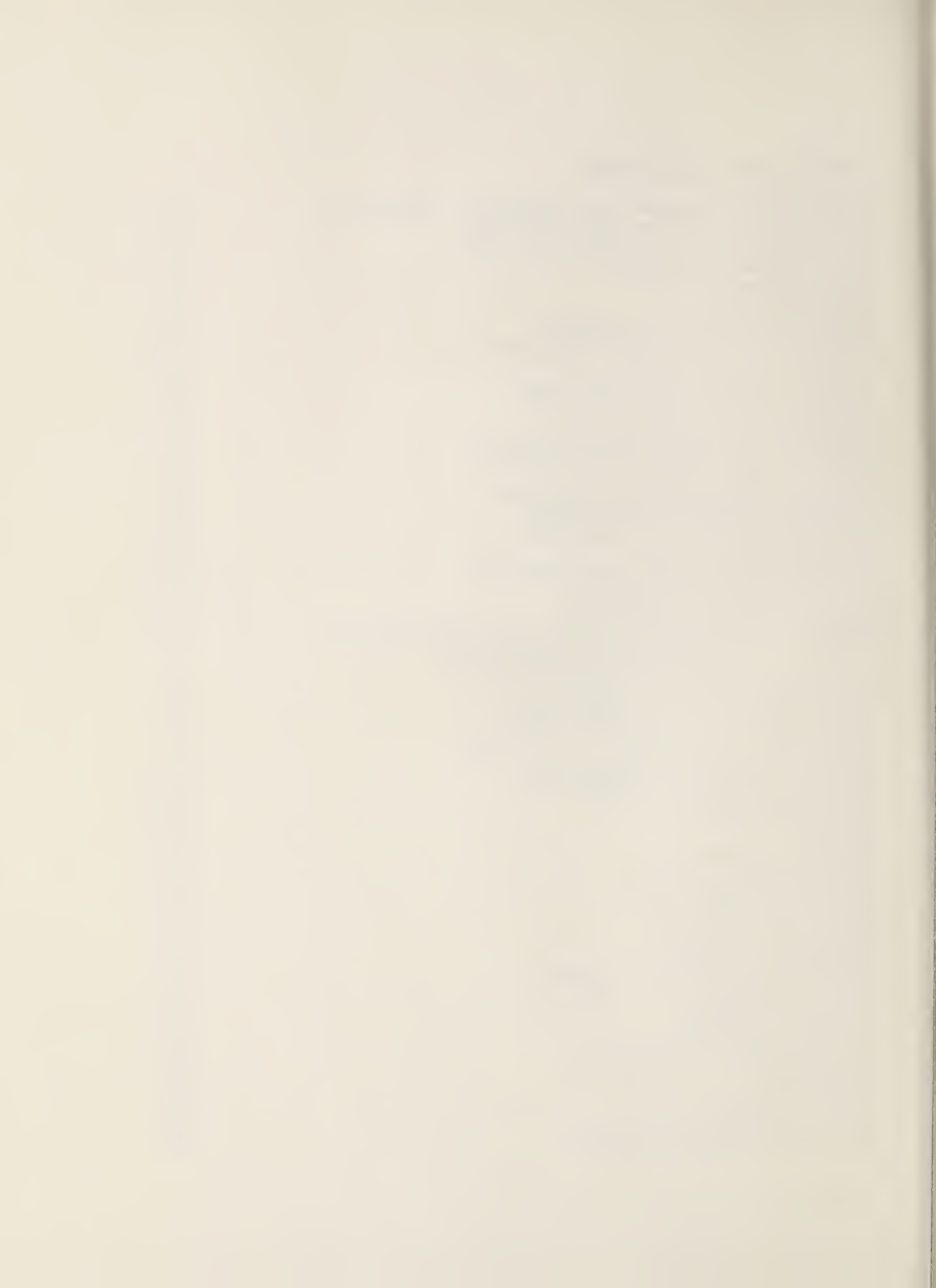
CHAPTER FOUR

Capsule case summaries	
Ministry of Agriculture and Food	163
Ontario Milk Marketing Board	163
Ministry of the Attorney General	165
Criminal Injuries Compensation Board	169
Land Compensation Board	170
Ontario Municipal Board	170
Ministry of Colleges and Universities	173
Ministry of Community and Social Services	177



CHAPTER FOUR (CONTINUED)

Ministry of Consumer and Commercial Relations	187
Ministry of Correctional Services	192
Ministry of Culture and Recreation	257
Ministry of Education	258
Ministry of Energy	261
Ontario Hydro	262
Ministry of the Environment	263
Ministry of Government Services	266
Ministry of Health	269
Ontario Health Insurance Plan	277
Ministry of Housing	281
Ontario Housing Corporation	282
Ministry of Industry and Tourism	287
Ministry of Labour	288
Ontario Human Rights Commission	289
Workmen's Compensation Board	291
Ministry of Natural Resources	320
Ministry of Revenue	325
Ministry of the Solicitor General	330
Ontario Police Commission	330
Ontario Provincial Police	331
Ministry of Transportation and Communications	333
Ministry of Treasury, Economics and Intergovernmental Affairs	340
Management Board of Cabinet	342
Public Service Grievance Board	344
Office of the Legislative Assembly	345
Office of the Premier	347
Niagara Escarpment Commission	348
Office of the Ombudsman	349
Executive Council	350
Courts	351
Federal Government	366
Associations - Groups	391
Children's Aid Society	394
Doctors - Patients	395
Hospitals - Private	397
Lawyers - Clients	398
Law Society of Upper Canada	408
Other - Private	410
Private business	416
Private individual	443
Universities - Private	456
Municipal	457
International	489
Other Provinces	490
No organization specified	492

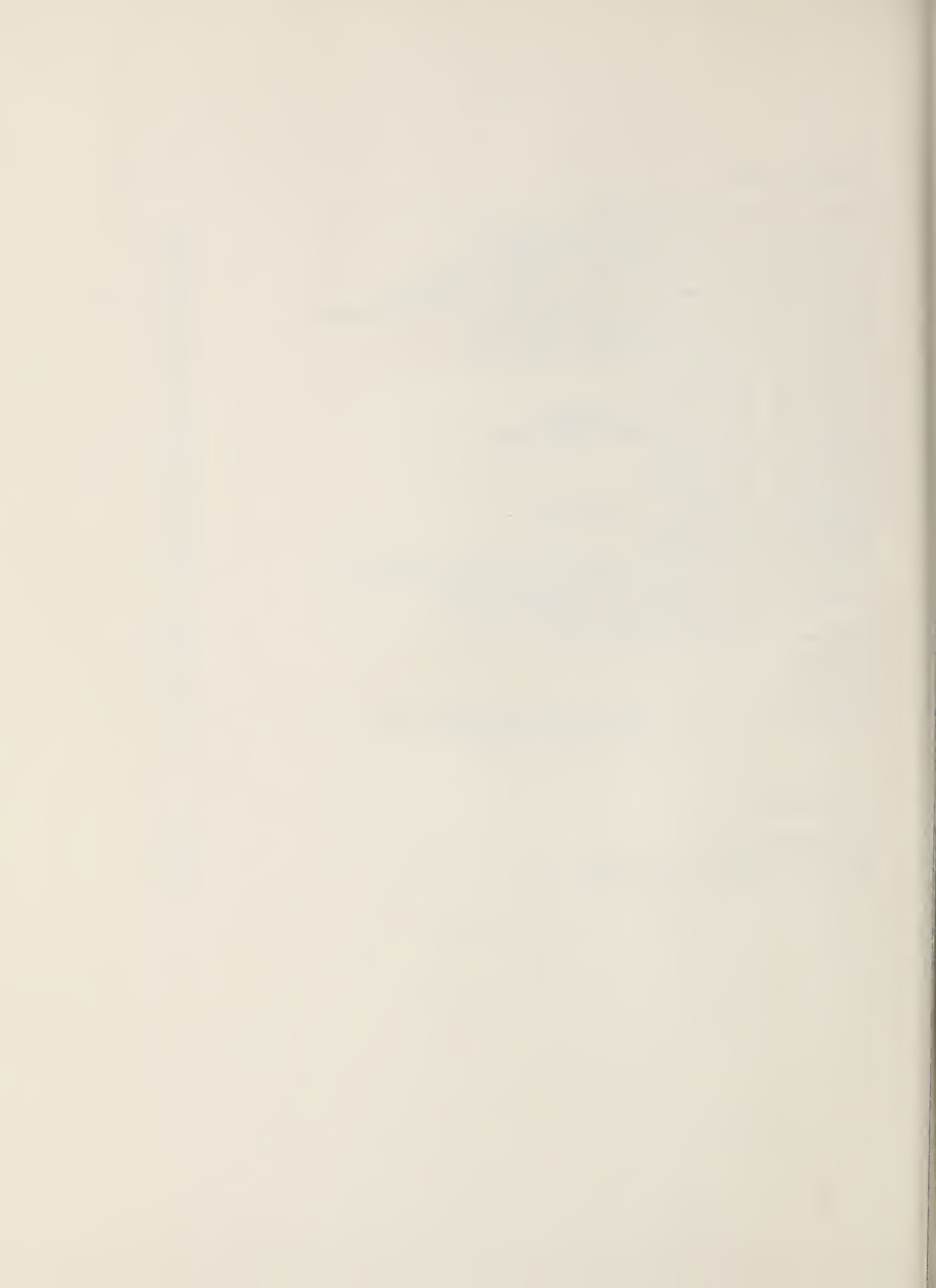


CHAPTER FIVE

Detailed case summaries	
Ministry of Agriculture and Food	495
Ministry of the Attorney General	497
Ministry of Colleges and Universities	507
Ministry of Community and Social Services	520
Ministry of Consumer and Commercial Relations	529
Ministry of Correctional Services	536
Ministry of Culture and Recreation	557
Ministry of Education	559
Ministry of Energy	567
Ministry of the Environment	575
Ministry of Government Services	578
Ministry of Health	588
Ministry of Housing	619
Ministry of Labour	630
Ministry of Natural Resources	648
Ministry of Revenue	663
Ministry of the Solicitor General	669
Ministry of Transportation and Communications	671
Ministry of Treasury, Economics and Intergovernmental Affairs	682
Workmen's Compensation Board	685
Federal	727
Local authorities	728
Private	733
Sample of letters sent to complainants in non-jurisdictional cases	741

APPENDICES

Ombudsman Act	772
List of private hearings	786
List of speaking engagements	799

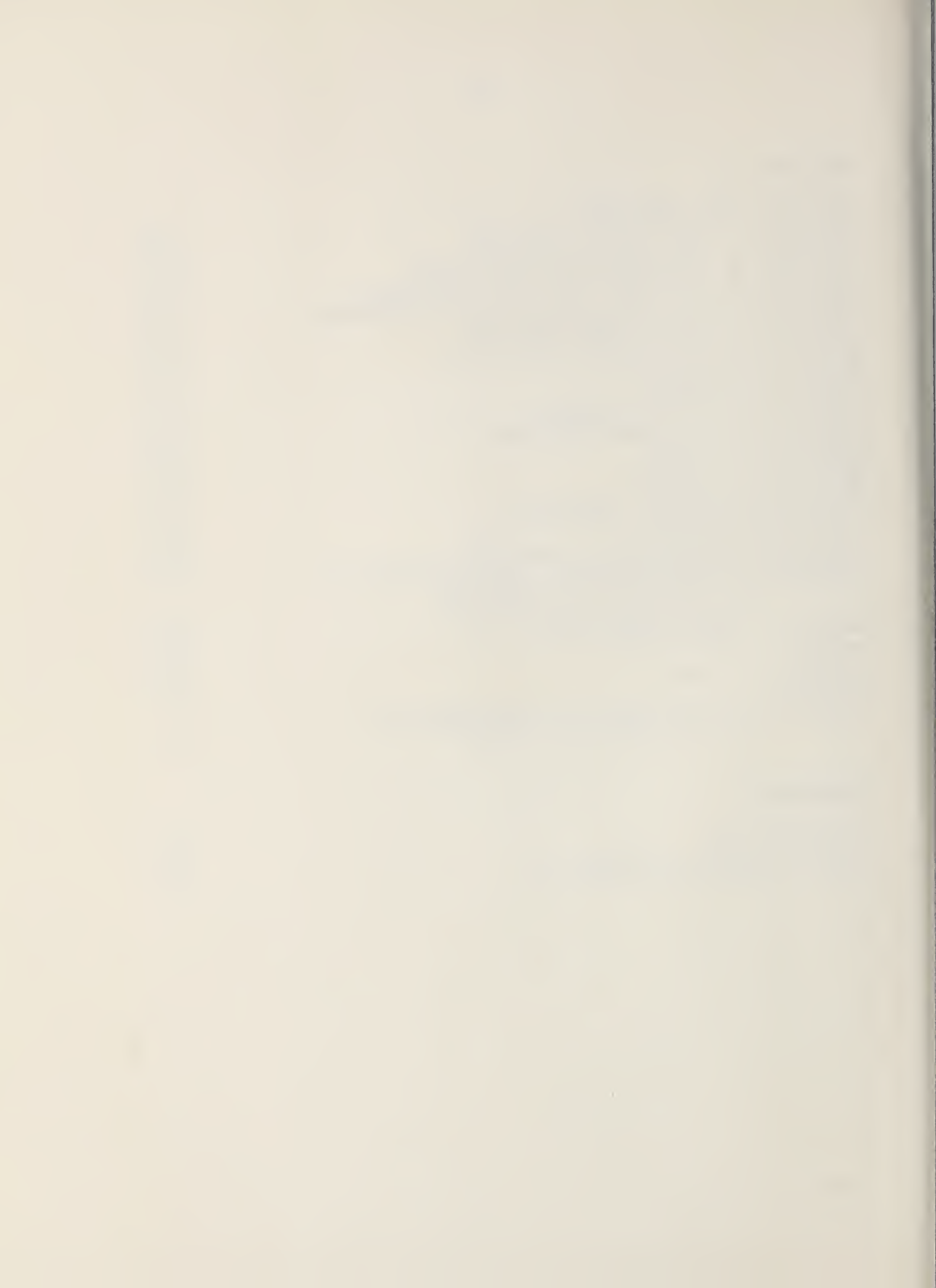


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Detailed case summaries	
Ministry of Agriculture and Food	495
Ministry of the Attorney General	497
Ministry of Colleges and Universities	507
Ministry of Community and Social Services	520
Ministry of Consumer and Commercial Relations	529
Ministry of Correctional Services	536
Ministry of Culture and Recreation	557
Ministry of Education	559
Ministry of Energy	567
Ministry of the Environment	575
Ministry of Government Services	578
Ministry of Health	588
Ministry of Housing	619
Ministry of Labour	630
Ministry of Natural Resources	648
Ministry of Revenue	663
Ministry of the Solicitor General	669
Ministry of Transportation and Communications	671
Ministry of Treasury, Economics and Intergovernmental Affairs	682
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CHAPTER ONE

INTRODUCTION

I am pleased to present the Second Report of the Ombudsman.

Under the legislation which created this Office, the Ombudsman has a minimum requirement to report annually to the Legislature, but, because of the increasing volume of cases dealt with by the Ombudsman, I have decided that both the members of the Legislature and the public will be better served if I strive to report to the Legislature on a semi-annual basis.

Thus, the cut-off date for cases included in this report is March 31, 1977, and I propose to issue my Third Report in late 1977 to cover the period from April 1, 1977 to September 30, 1977. Hopefully, future reports will adhere to these cut-off dates and will provide a coherent basis for comparison of our activities from period to period.

This Second Report of the Ombudsman reflects the format that will be used in subsequent reports, and, as in my First Annual Report, the bulk of the material deals with specific cases brought to us by complainants.

Chapter Four, for example, lists in abbreviated form every complaint dealt with and completed between the period July 11, 1976 and March 31, 1977. These capsule summaries have been expanded slightly compared to those shown in my First Annual Report and now provide a fuller explanation of the problems presented to us for resolution. This chapter more distinctly categorizes complaints. The section dealing with complaints from inmates of jails, detention centres, correctional centres and adult training centres, for example, now distinguishes between complaints

from one facility and another and, wherever possible, the same breakdown has been shown for each governmental organization which is made up of several different components. The impetus for these improvements came from the members of the Select Committee on the Ombudsman.

Chapter Four also illustrates our continuing attempts to better define the results achieved after our involvement with a complainant's problem and in this report we have used nine descriptive words or phrases to describe such results.

Chapter Five provides readers of this report with detailed case summaries of 167 complaints handled by the Ombudsman during the reporting period. The reason these cases have been singled out is because they indicate the variety and scope of problems brought to our attention and they illustrate the steps taken by my staff in an effort to resolve complainants' difficulties.

Our statistical section, Chapter Three, again tabulates the activities of the Office of the Ombudsman in such a way that readers of this report can quickly and easily determine how many new complaints came to our attention during the reporting period, how many complaint files were closed, how many were directed against particular governmental organizations and the like.

This report also contains a special section, Chapter Two, which deals with the situation which has arisen concerning the complaints of former land owners in North Pickering.

As is evident from a perusal of this section, there has developed an intolerable situation with respect to the Commission appointed subsequent to an agreement between the Minister of

Housing and me. The hearings being held under The Ombudsman Act, 1975, have been and are proceeding smoothly without the procedural and legal wrangles which have beset the Commission, and I feel it is important to recognize that the people who suffer from the inordinate delays involved in the Commission hearings are former landowners who continue to feel unjustly dealt with by the Government. The other unseen party to the Commission's proceedings, the Ontario taxpayer, is also shouldering a heavy burden in light of the fact that the Commission, to date, has been incapable of carrying out its mandate.

For that reason, I recommend that the Commission, as it is presently constituted, should be disbanded.

It is clear to me that an alternative to the Commission must be found immediately in order that justice may be done and this matter resolved.

THE COMPLAINTS

From July 11, 1976, to March 31, 1977, the Office of the Ombudsman received 4,989 new complaints and also dealt with approximately 7,000 informal citizen inquiries which did not necessitate the opening of a formal complaint file.

When converted into monthly totals, the figures indicate that our Office is receiving an average of slightly more than 1,300 complaints/inquiries a month and that of that number, an average of 554 result in our opening a formal complaint file.

These figures represent a tremendous increase in the number of problems brought to our Office compared to the 14-month period dealt with in my First Annual Report. At that time, our Office

was opening an average of 379 complaint files each month and the latest figure of 554 per month represents an increase of 46%.

This is a startling increase in complaint files initiated and clearly indicates, in my view, that the Office of the Ombudsman is being regarded by more and more of Ontario's 8 1/3 million citizens as the place to turn when they encounter problems they cannot resolve on their own.

Based on these figures, I anticipate that the Office of the Ombudsman will open approximately 6,600 new complaint files each year and also deal with an additional 10,000 informal inquiries for a total of 16,600 citizen contacts. There is every possibility however, that based on the surge in demand made upon our Office during this report's nine-month period, we will be asked to deal with even more citizen complaints and inquiries than I have predicted.

The 4,989 new complaints received during the reporting period came to our attention in three ways. Complaints mailed to our Office accounted for 70 per cent, those brought forward by personal interviews with complainants who came to our Toronto Office accounted for 10 per cent, and the remaining 20 per cent came from complainants who met with our Interviewers and Investigators during the 33 private hearings which we held throughout the Province.

The following table spotlights some of the data contained in this report.

HIGHLIGHTS

July 11, 1976 - March 31, 1977

--4,989 complaint files opened	Of the closed complaints*
--4,463 complaint files closed 5,076(separate complaints)	--2,671 involved Ontario Government Ministries or Agencies
--7,000 informal inquiries received and dealt with	--1,140 involved private agencies, firms or individuals
	-- 527 involved municipalities or local police forces
Of 5,076 complaints dealt with	-- 388 involved federal government departments or agencies
--3,230 were outside juris- diction	
--1,827 were within juris- diction	
-- 768 were premature	
-- 92 per cent of all complainants received assistance	**Some complaints involved more than one organization or agency

Of the 5,076 complaints dealt with, 1,826 or 36% were within our jurisdiction under the terms of The Ombudsman Act, 1975. This is an increase over the 26% which were within our jurisdiction during the period covered in our First Annual Report, but it still indicates that the majority of complaints which are brought to us are outside our legislative mandate. I anticipate however, that more and more of the complaints brought to us in the years ahead will be within our jurisdiction.

Again, a large number of the outside jurisdiction complaints involved citizen problems with municipalities, universities and many other bodies financed in whole or in substantial part by the Provincial Government, but I am not in a position to formally deal with them.

As the statistical chapter of this Report shows, our Office dealt with 583 such complaints, including 527 involving municipal governments and other local authorities, and 14 involving universities.

As I commented in the First Annual Report of the Ombudsman, I feel the Legislature should be urged to give the Ombudsman jurisdiction to deal with such cases. Often, members of my staff spend a considerable amount of time informally investigating complaints against such provincially-funded bodies. The additional staff and budget that would be required to formally act on such complaints would not be excessive. It would, however, allow the Ombudsman to deal more effectively with the problems that hundreds of citizens have each year with local administrative bodies.

In the same way, I am precluded from formally assisting complainants with problems related to private individuals, firms or agencies, and I cannot formally intervene when they turn to me with difficulties involving the courts, judges, lawyers or the Federal Government.

Nevertheless, and in accordance with the views expressed by several M.P.P.'s during the debate on The Ombudsman Act, 1975, the Office of the Ombudsman makes every effort to assist those who bring problems to our attention, notwithstanding our lack of jurisdiction to deal with such complaints.

Of the 5,076 complaints, including those which were premature, or which fell outside our jurisdiction, we assisted the complainants in 4,691 or 92% of the cases either through a specific referral to an agency which would help them (2,663), or through making inquiries on the complainant's behalf and reporting to them (1,379), or by giving general advice (273), or by explaining the complainant's circumstances to them (249).

The remaining 267 or 5% of such cases were not dealt with either because the grievance was abandoned or withdrawn by the complainant. In 37 of the cases brought to our attention, we either refused to investigate or investigate further the complainant's contention in accordance with Section 18 of The Ombudsman Act, 1975.

I am including at the end of Chapter Five samples of letters sent to complainants, some of whose problems fell outside our jurisdiction. These letters illustrate the efforts made by the Ombudsman staff on behalf of complainants whose difficulties involve governments, associations or agencies which are not included in my jurisdiction and they clearly indicate that the Office of the Ombudsman explores every avenue of complaint resolution for such complaints.

These letters, in some cases, also deal with complainants who have not exhausted the existing appeal remedies associated with their problem.

The Ombudsman Act, 1975, is quite explicit about my staff's inability to formally investigate a complaint where a right of

appeal exists which has not been exercised. As the foregoing highlight table shows, 768 closed complaint files involved what we classify as "Premature" complaints and they are usually dealt with by the Ombudsman's staff advising the complainant of the avenues of appeal open to him. We also inform complainants that if they are still dissatisfied after proceeding through the appeal stages, we will then have the requisite jurisdiction to formally investigate the complaint.

Our help is, in my opinion, of inestimable value to citizens who have a grievance against a governmental organization, but the number of "Premature" complaints points out that there are hundreds of people who, having been affected by a decision and seeking redress, do not know how to pursue an existing right of appeal.

I recommend, therefore, that the Government, perhaps in consultation with members of my staff, study those situations in which a decision of a governmental organization can be appealed with a view to ensuring that there are sufficient and understandable directions given to affected citizens concerning their rights of appeal.

In addition, once such a determination is made, I recommend that the Government introduce legislation requiring any governmental organization that makes appealable decisions to clearly inform citizens of their appeal rights.

In making this recommendation, I suggest that the Government consider the provisions of The Health Disciplines Act which require that the Colleges of the five health disciplines (medicine, dentistry, nursing, optometry and pharmacy) advise complainants, at the time of a decision from the first complaint level, of the

remaining right of appeal open to them.

It is my feeling that if all governmental organizations were compelled to explicitly inform complainants (or prospective complainants) of their appeal rights, citizens who feel themselves dealt with unfairly would have the knowledge required to enable them to more quickly bring their problem to a final resolution.

I would also add that based on information gained from dealing with more than 10,000 complaint files opened by the Office of the Ombudsman since its inception two years ago, I feel it is important for all governmental organizations which deal directly with the public to ensure that when they communicate a decision which is adverse to a citizen they do so in clear and concise language, setting out in detail the reasons for the negative decision.

In the two years of operation of this Office, we have found in a number of cases that a complaint brought to us is resolved by the simple expedient of making enquiries with the governmental organization concerned, then fully explaining to the complainant the exact reason why the complained-of decision was made. Often, once this information is communicated, the complainant understands the reasons for the decision and no longer feels unjustly dealt with.

The table at the end of this introduction, which shows the organizational breakdown of the 5,076 separate complaints dealt with and closed during the reporting period, illustrates that of the 2,671 involving Ontario Government Ministries, 1,136 concerned the Province's justice system. More than 1,000 of these

were directed against the Ministry of Correctional Services. Another 249 concerned the courts, judges and Crown Attorneys, and almost 202 dealt with lawyers.

As I said in the First Annual Report of the Ombudsman, (when such complaints comprised almost 70% of the total number of complaints against the Government of Ontario), I find it disturbing that such a large percentage of the complaints brought to our Office should deal with the justice system. At the same time, however, it is understandable that citizens involved in this aspect of our Province's life are more acutely sensitive to any action by any government official and are more likely, if a decision negatively affects them, to seek redress.

Similarly, the table shows that of the 676 closed complaints against Ontario Government Agencies, 489 were directed against the Workmen's Compensation Board. Again, it is understandable that injured workers, many of whom are unfamiliar with governmental procedures, would turn to our Office for assistance.

The high number of Workmen's Compensation Board cases must also be seen in light of the hundreds of new and on-going claims dealt with by the Board every year. In 1976, for example, the Board received about 434,000 claims, and the fact that the Office of the Ombudsman dealt with only about .1% of the Board's new annual caseload reflects favourably on the Board.

The number of closed complaint files dealing with Ontario Government Agencies totalled 408 during our first 14 months of operation and 676 during the nine month period covered by this report. Most of that increase is accounted for by the higher

number of Workmen's Compensation Board cases which were closed in the period July 11, 1976, to March 31, 1977.

This increase is due to the fact that our Office's Directorate of Institutional and Special Services, which deals with Workmen's Compensation Board complaints, was not fully operational until early 1976. As a result, when the Directorate became functional, there was a substantial number of cases awaiting investigation, and only 232 of them had been completed by the time our First Annual Report was issued.

Since then however, staff members who work exclusively with Workmen's Compensation Board cases have gained much more experience in dealing with these often complex complaints and my Office's improved working relationship with Board officials has also helped to bring such complaints to as speedy a resolution as possible.

I should add that one of the methods whereby our Office has been able to handle an increased number of Workmen's Compensation Board cases has been to use the services of law students on a part-time basis as required. In this manner, our Office is able to investigate the growing number of such cases without the necessity of adding to our full-time staff complement.

As I mentioned earlier, Chapters Four and Five of this Report provide a breakdown of the 5,076 separate complaints dealt with and completed by the Office of the Ombudsman from July 11, 1976, to March 31, 1977.

Chapter Five, as I have already indicated, illustrates the wide variety of problems brought to our Office for resolution. They have been selected not only because they show the complexity of some of the complaints dealt with, but also because we considered

them to be significant. Among them are situations such as:

--Our involvement in a staff dispute at a provincial jail in Eastern Ontario. A Correctional Officer contacted us anonymously through his lawyer to comment on the conflict, and the families of some inmates later brought inmate concerns regarding the staff problems to our attention. Both staff and inmates at the jail felt that without a speedy resolution to the problem, the jail would experience serious difficulties in controlling the inmate population.

Our Investigator was assured by Ministry officials that the situation would be cleared up quickly. Three months later, the Correctional Officer who was apparently the immediate cause of tensions within the jail was dismissed, but he was subsequently reinstated. Senior officers at the jail then threatened to walk off the job to protest the reinstatement. Members of our staff monitored the situation continually until the Correctional Officer was finally dismissed three months after the first termination decision. We concluded that the Superintendent of the jail had mishandled the entire incident and senior Ministry officials agreed. They said the Superintendent would be transferred to another position within the Ministry. (See Detailed Summary #27, Chapter V).

--The granting of a special temporary driver's licence to a Toronto Hospital worker who, because of his work, was on 24-hour call. His driver's licence had been suspended for non-payment

of fines, and, although the hospital worker had paid both fines, he was told by officials of the Ministry of the Attorney-General that it would take at least 10 days for his licence to be re-instated. The complainant worked with the hospital disaster team, was required to be on 24-hour call and needed his licence immediately.

One of our Investigators contacted the Ministry's Defaulted Fines Control Centre and arranged for the issuing of an immediate temporary licence. As the complainant was unable to pick up the licence before the Ministry's Friday afternoon closing time, our Investigator obtained the licence and gave it to the complainant when he came to our Office early in the evening. (See Detailed Summary #115, Chapter V).

--The Ontario Health Insurance Plan's refusal to pay transportation costs incurred by the family of a French-speaking Northern Ontario man who had had a heart attack and had lost the ability to speak. He had been transferred to a Montreal-area hospital to facilitate speech therapy treatment in a French-speaking milieu, but O.H.I.P. officials refused to pay the family's \$60 ambulance bill.

After our intervention, we brought additional information to O.H.I.P. officials and they agreed to pay 75% of the cost. (See Detailed Summary #75, Chapter V).

--The settlement of a two-year old dispute involving an Eastern Ontario sales representative whose former employer in British Columbia owed him \$2,396. The complainant had sought the assistance of the Labour Departments of the Federal, Ontario and

British Columbia governments before asking for our help. Through our efforts, the Ontario and British Columbia Labour Ministries co-operated in securing the entire amount for the complainant. (See Detailed Summary #92, Chapter V).

--The resolution of a dispute between an Indian and the Ministry of Revenue which had almost resulted in the bankruptcy of the complainant's business. The complainant, a member of an Indian Reserve in Southwestern Ontario, had refused to participate in the Ministry's gasoline tax exemption program for Indians which was introduced in 1974. Because of his refusal, the gasoline sold at his service station was not exempt from Provincial Tax and his competitors were therefore able to sell gasoline at a much lower price.

The complainant contended that under the terms of the Haldimand Treaty, which was negotiated in 1784, he should be able to sell gasoline without paying the Provincial Tax. The treaty, which granted the Indians an area of land in perpetuity, created a sovereign nation in his view, and he contended that if he took part in the Ministry's program, it would signify that he was recognizing the Government's control of the Reserve.

Our Director of the Directorate of Rural, Agricultural and Municipal Services (which is responsible for complaints from native peoples), met with the complainant and asked him whether he would participate in the tax exemption program if the Minister of Revenue signed a statement saying that the complainant's par-

icipation would not affect his right to contend that the Indian Reserve was a sovereign state. The complainant said such a signed statement would allow him to take part in the program, and we subsequently asked the Minister to sign such a statement. The Minister did so, and the complainant joined the Tax Exemption Program. (See Detailed Summary #108, Chapter V).

--The resolution of an eight-year old conflict between an Eastern Ontario farmer and the Ministry of Transportation and Communications. The Ministry had widened and upgraded a Highway crossing the complainant's land, but it had not completed proper ditch drainage construction in one section which resulted in excess drainage onto the complainant's land. In addition, Ministry employees had mistakenly cut down two large hard Maple trees on the complainant's property.

After our investigation, the Ministry agreed to grade the Highway section to allow for proper drainage and it also offered to replace the trees. (See Detailed Summary #116, Chapter V)

--The reversal of a 1968 Workmen's Compensation Board decision which had denied benefits to an injured worker. The 49 year old woman, through the Injured Workmen's Consultants organization, asked us to intervene with the Workmen's Compensation Board in an effort to have the Board reconsider its earlier decision not to grant her further benefits. She had suffered a back injury in 1960 while lifting a box and the Board had allowed her compensation and medical aid benefits from July 4 to August 30 of that year.

The complainant continued to suffer from back pain, however, and in 1967 she underwent surgery. In March of 1968, the Board ruled that her recurring back problems were not related to the 1960 accident and it denied her application for benefits.

Our Investigator noted that a 1975 letter from the complainant's doctor said that the probability of a relationship existing between the back injury in 1960 and the recurring problems which resulted in surgery seven years later was "extremely high". After we had asked the Board to supply us with a copy of the complainant's file, we were told that the file was being reviewed by its Registrar of Appeals. Three months later, the Appeal Board reconsidered the complainant's case, reversed its 1968 decision, and ruled that she should be granted compensation benefits. (See Detailed Summary #143, Chapter V).

--The transfer of a provincial inmate from a maximum-security correctional centre to a medium-security institution. The inmate's conduct at the maximum-security centre had been misconduct-free for a three month period (which was necessary before a transfer would be considered), and although his transfer to a medium-security setting had been approved two months earlier, he was still at the maximum-security centre.

Our Investigator interviewed the inmate and contacted Ministry officials who said that there were about 150 inmates who were awaiting a transfer to the medium-security facility. Our Investigator stressed the fact that the complainant had been,

at the time of our involvement, misconduct-free for almost five months and asked that he be given special consideration when a space became available in the medium-security correctional centre. Five days after that contact, a senior Ministry official told our Investigator that the inmate had been transferred. (See Detailed Summary #30, Chapter V).

--The request by representatives of two groups in Windsor who sought the Ombudsman's assistance in establishing a French-speaking Secondary School in Essex County. The complainants contended that the Board of Education's decision - reversing an earlier vote - not to build the school was discriminatory. Our study of this situation led us to conclude that (1) the school Board's decision was not within our jurisdiction and (2) the Government's decision to cut capital cost grants to school boards was also beyond our jurisdiction because it had been a Cabinet decision. (See Detailed Summary #45, Chapter V).

Note: These two complaints were sent to us prior to the Minister of Education's March, 1977, statement that notwithstanding the Essex County Board of Education's decision, the Province would undertake to build the school. We advised several complainants who contacted us subsequent to the above-noted two complaints of the Minister's decision.

--The refund of \$750 to an Alberta resident who had made a deposit on an automobile at a dealership in Ontario. The complainant had made a deposit of \$1,500 on a motor vehicle,

but was unable to complete the transaction. His demand for a return of the deposit was not acted upon and he engaged a lawyer to help him. The complainant's problem eventually came to our attention through the Office of the Ombudsman of Alberta. Our Director of Research contacted appropriate officials of the Ministry of Consumer and Commercial Relations and a settlement was reached between the dealership and the complainant. (See Detailed Summary #165, Chapter V).

--The cancellation of a demand by the Workmen's Compensation Board for a \$6,680 overpayment which was made because of a Board error. The complainant had over paid the injured complainant for 2½ years but, because she was Italian-speaking woman with little understanding of the Canadian way of life, she did not realize she was being overpaid. It was her impression that the rate of compensation had been established by the attending physician.

After our intervention, the Board agreed not to attempt recovery of the overpayment. It also agreed to discuss with the Minister of Labour steps that might be taken to improve the legislation dealing with the Board's authority to recover overpayments to claimants. (See Detailed Summary #132, Chapter V).

I cannot close this section of the report without expressing my appreciation for the continued support given this Office by Members of the Provincial Parliament, the civil service, the media and the public.

Without the continued support of M.P.P.'s, many of whom refer cases to us for resolution and thereby make full use of our parallel Ombudsman function in assisting them with constituents' complaints, our task would have been much more difficult.

Their involvement is evident not only in the references shown in our detailed reports of cases in chapter five, but also by the activity of our Queen's Park Ombudsman's Office which was established to ensure that both M.P.P.'s and their constituents would have access to the Ombudsman operation within the Legislative Building.

The Director of our Queen's Park Office interviewed complainants and assisted them with their problems, met with M.P.P.'s with respect to complaints, and acted as a liaison between the members of the Legislative Assembly and our downtown Office.

Ontario's public servants, with whom we are in contact every day, have again shown that they are more than willing to co-operate with us in solving complainants' problems. That willingness, combined with their level of expertise, is a reflection of their sense of duty as public servants when they are approached by our staff members and also shows, I believe, that the people of Ontario have a civil service of which they can be proud.

One such group of public servants which deserves special mention are the men and women of the Ontario Human Rights Commission.

Although our Office has received few complaints concerning the Commission, we have found that those that are brought to us invariably involve allegations that Commission personnel have not conducted fair or thorough investigations into discrimination charges. Not one such allegation has been supported during the two years our Office has been in operation and I have no reservation in saying that the competent and sympathetic manner in which Commission employees carry out their duties while investigating what are usually complex and emotionally-charged cases is a credit to the entire civil service.

During the past six-month period, of course, our endeavours to assist the citizens of this province were aided immensely by the encouragement (and sometimes constructive criticism) given the Office of the Ombudsman by the hundreds of men and women in the media. Their assistance in publicizing news of our arrival during our private hearings throughout the Province is especially important in that it ensures that every citizen, and not just those in our large urban areas, knows about his access to our Office.

Finally, but most importantly, I want to thank the people of Ontario for their unwavering support of the function of their Ombudsman. Without their recognition of the need for an independent investigator into citizen complaints against the bureaucracy, our task would not only be impossible but also unnecessary.

CORRECTIONAL REPORT

My report on the Province's correctional system, in draft and

not final form, was completed in May of 1977, and then delivered to the Deputy Minister of Correctional Services.

The 755-page draft report, which contains numerous general and specific recommendations, was given to the Ministry for its perusal in light of Section 19(3) of The Ombudsman Act, 1975, which states, in part:

"...if at any time during the course of an investigation, it appears to the Ombudsman that there may be sufficient grounds for his making any report or recommendation that may adversely affect any governmental organization or person, he shall give to that organization or person an opportunity to make representations respecting the adverse report or recommendation..."

I felt it appropriate to allow the Ministry to view the entire report in draft form so that it could, in its discretion, specify those parts of the report which it perceives as possibly having an adverse affect on the Ministry or Ministry personnel and in respect of which it wishes an opportunity to make representations.

The report, which was prompted not only by allegations of impending riots throughout the correctional system made by a senior member of the then Civil Service Association of Ontario, in October of 1975, but also by the more than 100 complaints from inmates which we had received by that date, is to be returned to us with the Ministry's comments. After their representations are made under Section 19(3) of The Ombudsman Act, 1975, we will finalize our report and then present it to the Minister of Correctional Services, the appropriate officials of the Ontario Public Service Employee's Union and two M.P.P.'s who were originally considered to be complainants in this investigation.

This report cannot be made public by the Ombudsman in light of his duty of confidentiality concerning complaints, but I have little doubt that the other parties to the investigations we undertook into the correctional system will bring the report to the public's attention.

Because of that perception, I wish to stress that our report was not prepared to resemble either a Royal Commission document or an academic research paper. Instead, it combines almost two years of day-to-day observations of and interviews with inmates, Correctional Officers, administrators and Ministry personnel with the background of and knowledge gained by our Office's Correctional Investigators.

I should also emphasize that I undertook this omnibus investigation into the province's correctional system not only because of the widely-publicized allegations made against the Ministry's institutions in October of 1975, but also because at the same time our Office had received, as already pointed out, more than 100 individual complaints from inmates in provincial jails, detention centres and correctional centres. As our Office was only a few months old, I felt that the combined weight of the concerns being expressed should not allow me to delay necessary investigative work while the Office was being established. For that reason, I announced my intention to begin an omnibus investigation and to the extent it might have been necessary I relied for my authority to do so not only on the two already-mentioned considerations but also on Section 15(2) of The Ombudsman Act, 1975, which states:

"The Ombudsman may make any such investigation on a complaint made to him by any person affected or by any member of the Assembly to whom a complaint is made by any person affected, or of his own motion."

I expect that the final version of the Correctional Report will be delivered to the Minister in the fall of this year.

SOUTH CAYUGA LAND ASSEMBLY

In January and October of 1976, I received complaints from two farmers in the South Cayuga area of the Regional Municipality of Haldimand-Norfolk concerning the manner in which the Provincial Government had acquired their land.

The Office of the Ombudsman had almost completed its investigation into the allegations brought to us by the first complainant when, on March 7, 1977, a story appeared in The Globe and Mail relating to the Province's land assembly methods in the South Cayuga area.

Subsequently, I received a letter from the then Leader of the Opposition, Mr. Stephen Lewis, asking me to initiate an investigation into possible complaints which might be made by the other farmers mentioned in the newspaper article.

I then sent one of my Investigators and a Legal Officer to the South Cayuga area and as a result of their conversations with landowners affected by the Government's land assembly program, the Office of the Ombudsman became involved in 10 separate complaints concerning the property purchases.

On March 23, 1977, I wrote to Premier William Davis as follows:

"Dear Mr. Premier:

Re: South Cayuga Land Assembly

I am writing to you in connection with complaints received by my Office from a number of farmers in the South Cayuga area in the Regional Municipality of Haldimand-Norfolk, who sold their land to the Province of Ontario in 1974.

"My Office received its first complaint from a farmer named William Ens. Mr. Ens attended at my Office in Toronto. A second complaint from another farmer was received in October, 1976. Letters pursuant to section 19(1) of The Ombudsman Act notifying the Ministry of Government Services of my Office's intention to investigate the two complaints have been sent.

"My Office had nearly completed its initial investigation of Mr. Ens's complaint when, on March 7, 1977, a story appeared in The Globe and Mail about the assembly of land in the South Cayuga area by the Province of Ontario. Mr. Ens has authorized me to reveal to you that the farmer referred to in the story under the pseudonym of Glen Fiddoch is, in fact, Mr. Ens. In this story several other farmers expressed their dissatisfaction with the methods used by certain real estate agents in the purchase of their farm properties and with the range of prices paid. Subsequently, I received a letter from Mr. Stephen Lewis, Leader of the Opposition, asking me to initiate an investigation into possible complaints which might be made by the farmers mentioned in The Globe and Mail story concerning the land acquisition procedures. A copy of Mr. Lewis's letter is enclosed, and also a copy of my reply.

"Members of my staff paid several visits to the South Cayuga area to interview the persons named in The Globe and Mail story, and it became known in the area that the Ombudsman would receive complaints concerning procedures used in the sale of land to the Province. To date, my Office has received eight complaints in addition to the two complaints previously received. The members of my staff who visited the area feel that other complainants are very likely yet to come forward.

"The complaints made by the farmers to my Office are as follows:

1. That the price paid to a farmer for his land was considerably lower than the price paid to other farmers in the South Cayuga land assembly for land of no higher quality;

for example, in one instance a farmer received only \$1,000 per acre whereas a nearby farmer in the same general area received as much as \$3,000 per acre;

2. That farmers were told that the price being offered to them was the highest price that would be paid to any farmer; subsequently they learned that this was untrue. They were warned that if they did not accept the offering price by a certain cut-off date, they would lose the opportunity to sell at that price and would instead be expropriated at a much lower price;
3. That the real estate agents who acted for the Province used high pressure tactics and made misrepresentations to induce the farmers to sell. For example, the fact that the purchaser was the Province was not disclosed to the farmers until after the option agreements pursuant to which the land was sold had been signed. The real estate agents claimed either that they did not know the true identity of the purchaser or that they were not permitted to reveal it. The agents visited the farmers at their farms as often as three times a week or more for weeks on end. The agents warned the farmers that they would be expropriated if they did not sell, or that their farms would be surrounded by buildings, or that they would be prohibited from selling their farms to anyone else in the future;
4. That farmers were persuaded to enter into option agreements for the sale of their farms separately from the sale of their houses on the understanding that both would be purchased. The options to purchase the houses were then not exercised. This caused in the case of at least one farmer who began to build a house elsewhere extreme financial embarrassment and continuing hardship;
5. That a farmer was told he could not be permitted to sever and keep his house and contiguous land, as he very much wished to; subsequently, he learned that other farmers were permitted to keep their houses.

"After selling their land, most of the complainants have continued to farm, leasing back the land. The following complaints have been made in connection with the leasing back:

6. That despite the efforts of farmers, leases for terms beginning in January of 1977 have not been executed or, in some cases, even presented to the farmers. The farmers find that the local Ministry of Government Services officials have no authority to settle the leases, and it is impossible for the farmers to communicate effectively with the Toronto-based officials of the Ministry of Government Services;
7. That the rents being demanded by the Ministry of Government Services are higher than private rents of comparable South Cayuga farmland and are not warranted by the productivity of the land. Farmers who sold their land at different prices per acre are being required to pay rent at the same rate. Some farmers who were originally required to pay rent equal to the taxes on the land are paying twice the amount that they paid in taxes as owners of the land as a result of tax rebates;
8. That some of the terms of the standard form of lease being used by the Ministry of Government Services are impractical and unreasonable. In particular, the farmers object to the prohibition against removal and sale of straw, as they say they cannot plow their fields unless they can remove the straw;
9. That a farmer is being required to pay rent for buildings which were conveyed to the Province at no cost apart from the cost per acre of the land. Despite the fact that he is paying rent for them, the buildings are not being maintained in satisfactory condition. In one case, after gas service was discontinued to a house being leased back, making existing facilities useless, a farmer went several months during the winter with only an inadequate wood-burning furnace; electrical wiring for cooking and a water-heater is yet to be installed.

"The farmers complain that the uncertainty resulting from these leasing problems has made sound long-term planning for the farms and their families' lives impossible. They fear that these problems will cause experienced farmers and their families to move out of the area, causing the land to fall to ruin.

"You will recall that, in the aftermath of my Office's initial investigation into the North Pickering land assembly, the view was expressed on behalf of the Ministry of Housing that complainants and witnesses should have been interviewed under oath. In the light of that experience, and the number and nature of individual complaints I have now received, I am proposing the most suitable investigative procedure for each of these complaints is a hearing under oath. In such a hearing, it will be necessary to examine the following:

1. The complainants (and their spouses if they were involved in the sale of the land);
2. Farmers who did not sell their land, but who have evidence concerning the methods used by the real estate agents;
3. The solicitors of some of the complainants;
4. Senior officers and agents of the real estate brokerage firm of A.E. LePage Limited;
5. Officials in the Ministry of Treasury, Economics and Intergovernmental Affairs, Ministry of Government Services, and Ontario Land Corporation; and
6. Former members of the Legislature and Cabinet.

"Of course, the identities of additional witnesses would no doubt appear in the course of a hearing.

"It appears to me that two types of hearing are possible. The first would be a hearing pursuant to section 20 of The Ombudsman Act, to be conducted in the manner of the hearing concerning complaints regarding the land acquisition procedures used in North Pickering now being conducted by Mr. Keith A. Hoilett, my Special Assistant and Legal Officer. This procedure was resorted to as a result of a compromise worked out by the Honourable John Rhodes and me.

"The number of persons to be examined in such a hearing, which I estimate to be not less than seventy-five, together with the need to provide a presiding officer from my staff, counsel to present the evidence, counsel for the farmers, and counsel for the real estate agents as well as counsel for the Ministry and government officials, and to provide suitable accommodation for the hearing, preferably in the South Cayuga area, but also where necessary in Toronto, make it clear to me that such a hearing would involve a very substantial cost. The budgetary requirements which I recently submitted to the Board of Internal Economy

for the fiscal year 1977/78 totalled \$3,900,000. The Board has reduced this by the sum of \$340,000 so that the item that will appear in the printed estimates will be \$3,560,000. The scope of the investigation called for in the South Cayuga matter was not envisaged by me at the time my budgetary requirements were determined, and was not included within even the original sum requested. It would follow, therefore, that if a hearing under The Ombudsman Act were to be conducted, that the mechanism of supplementary estimates would have to be resorted to for the purpose of acquiring the necessary funds.

"In estimating the cost, regard should be had to the following:

The need for:

1. Four senior and four junior counsel
2. Registrar, to supervise exhibits and maintain records of hearing;
3. Court reporter for a hearing of approximately four to six months' duration;
4. Rental of premises for hearing;
5. Two investigators and rental of two automobiles;
6. Hotel and living accomodation in Cayuga.

"Any additional items of expense that subsequently occur to us will be brought to your attention in the near future.

"I feel that a hearing under The Ombudsman Act in the form indicated would be preferable and I, therefore, strongly recommend this course of action. The experience we have had in the hearing under The Ombudsman Act in relation to the North Pickering complaints has given us much confidence in this form of investigative procedure. This private hearing started on December 4th last. It has proceeded with despatch to the extent that already 19 cases have been dealt with and approximately 50 witnesses have testified.

"In the event that you do not favour this recommendation, then the alternative which I feel obliged to urge upon you is that the complaints concerning the South Cayuga land acquisition procedures be referred to an inquiry pursuant to section 2 of The Public Inquiries Act, 1971. This form of inquiry would be conducted without the participation of my Office. But to return to the North Pickering experience, and by contrast to the hearing presently proceeding before

Keith Hoilett, the public inquiry into some 28 of the North Pickering cases presided over by the Honourable Frank Donnelly is yet to complete the evidence of the first witness in the first case and, regrettably, it has become bogged down in procedural and technical matters and expensive and frustrating court proceedings. I am also inclined to think a public inquiry into the South Cayuga complaints would involve considerably more expense than a hearing under The Ombudsman Act.

"In the event that the second alternative--that is, a public inquiry--appeals more to you, I would be glad to put forward some suggestions as to what ought to be the terms of reference of such an inquiry.

"I wish it to be clearly noted that whatever form of hearing takes place, it should relate to the individual complainants or group of complainants who have already come forward or who will come forward when it is announced that a hearing is to be held. A hearing under The Ombudsman Act would be restricted to the procedures that were resorted to by agents of the Government in acquiring the land. In other words, it is not intended that a hearing under The Ombudsman Act would review the policy of the Government in this area, since this would be totally outside the Ombudsman's jurisdiction. This could only be explored at the will of the Government in a public inquiry.

"I look forward to hearing your views.

Yours faithfully,

Arthur Maloney"

The Premier acknowledged my letter on March 28, 1977, saying, in part:

"...I would not dissuade you from proceeding as you wish. For my part, I have forwarded your detailed outline to appropriate officials and will write to you further when I have received their comments and have had an opportunity to reflect upon them."

On June 22, 1977, The Premier wrote to me saying:

"Dear Arthur:

Please accept my apology for the delay in following up on my acknowledgement of March 30 to your letters of March 25 and March 28.

"In your correspondence, you indicated two courses of action which might be taken in the South Cayuga Land Assembly matter. Following discussion of these alternatives with my colleagues, I would suggest that neither course of action need be involved. It would seem that the problems in South Cayuga should be dealt with within the appropriated resources and normal procedures of your Office. Accordingly, I would further suggest that if you wish to proceed, you might instruct your staff to investigate and report on the individual problems described in your letter of March 25 in the normal manner.

"If either investigation yields evidence indicating any impropriety on the part of any person acting as an agent of the Province of Ontario, be assured that my Ministers and I will take appropriate action.

Yours sincerely,

William G. Davis"

On July 5, 1977, I responded to the Premier, saying:

"Dear Mr. Premier:

Re: South Cayuga Land Assembly

Thank you for your letter of June 22, 1977.

Since you reject both of the courses of action suggested in my letter of March 25, 1977, I will be proceeding to investigate the complaints using the normal procedures available to me under The Ombudsman Act, 1975. Notice of my intention to investigate will be sent to the heads of the appropriate governmental organizations in accordance with Section 19(1) of the Act.

Yours faithfully,

Arthur Maloney"

As of the date of that letter, my Office had 14 separate complaints from former landowners in South Cayuga. I feel it is likely, based on our Office's experience with the North Pickering Land Assembly situation, that more complainants will contact our Office, but having regard to the Premier's response to the suggested methods of investigating these complaints contained in my letter to him of March 25, 1977, I have decided to conduct my investigation into these complaints in the normal manner under The Ombudsman Act, 1975.

BUDGET

On March 1, 1977, the Office of the Ombudsman submitted its Estimates for 1977-78 to the Board of Internal Economy which amounted to \$3,909,000. This amount was subdivided by Standard Account Classification as follows:

Salaries and Wages	\$2,483,000
Employee Benefits	272,000
Transportation and Communications	256,000
Services	747,000
Supplies and Equipment	151,000
TOTAL	\$3,909,000

At its meeting on March 8, 1977, the Board approved Estimates of \$3,560,000 which was subdivided by Standard Account Classification as follows:

Salaries and Wages	\$2,342,000	(down \$141,000)
Employee Benefits	248,000	(down 24,000)
Transportation and Communications	233,000	(down 23,000)
Services	600,000	(down 147,000)
Supplies and Equipment	137,000	(down 14,000)
TOTAL	<u>\$3,560,000</u>	(down \$349,000)

This Office will have an opportunity to present its Supplementary Estimates in late 1977.

SALARY ADMINISTRATION PROGRAM

In December, 1976, pursuant to an undertaking I had given to the Board of Internal Economy, the Office of the Ombudsman contracted with Hickling-Johnston Limited, a Management Consultant firm, to carry out a salary review of all positions in the Office below those of the Ombudsman, whose salary is fixed by the Lieutenant Governor in Council.

With regard to Directors' salaries, the report rated each Director position against four criteria:

- problem solving
- knowledge
- contacts
- management

The firm also took into account that the Office of the Ombudsman is:

- non-profit
- carries out quasi-judicial responsibilities
- is investigative in nature
- requires its staff to establish and maintain effective relationships with elected representatives as well as senior civil servants

The Management Consultants also compared the Office's salary schedule for Directors with positions of similar responsibility in the Government of Ontario and the Federal Government.

Based on these tests, the firm concluded that "Generally, salary levels for Directors are competitive with comparable positions in the external markets surveyed". It also drew up a recommended salary range for Directors which is being adhered to by the Office of the Ombudsman.

With respect to support staff, the firm rated each position against six criteria:

- job knowledge
- problem solving
- accuracy
- contacts
- initiative
- supervision of others

Again, the firm compared the Office's salaries for support staff with similar positions in the Government of Ontario, the Federal Government as well as four other organizations.

The firm concluded that at the support level the Office was paying above the external market by about 10% on average, and that senior professional staff members were within the maxima of the external market, but with little room to move.

As it did with the Directors' salaries, the firm also drew up a recommended salary range for support and senior professional staff which is being adhered to by our Office.

For those staff members who, in the firm's opinion, were being paid below the external market at the time of the salary survey, the consultants recommended that their salaries be brought to the recommended minimum effective April 1, 1977. These adjustments have been made.

For those staff members whose salaries were, in the firm's opinion, above the recommended maximum, the consultants recommended that their salaries be frozen until the external market reached a comparable level. This recommendation is also being carried out.

With the implementation of the recommendations made by the Management Consultant firm, I believe that the salaries paid to members of the Office of the Ombudsman compare favourably with those paid to employees in similar positions in other organizations and I am confident that the salary administration program being carried out will ensure that, in the future, members of the staff of the Office of the Ombudsman will receive no more and no less than personnel in other areas who carry out similar functions.

BLUEPRINT

In my First Annual Report, I commented that the Blueprint for the Office of the Ombudsman - which is to be based on a thorough examination of the functions of the offices of the Ombudsmen throughout the world, especially insofar as they relate to the specific needs of the Province of Ontario - would be completed in a short time.

Since then, however, the Management Consulting firm of Hickling-Johnston Limited, which carried out the previously-mentioned salary administration program at the Office of the Ombudsman, has recommended that the Office's operations be scrutinized to ensure that we are currently making the best use of our resources.

In considering the firm's recommendation, I took into account the fact that it had gained an understanding of the role and function of the Office of the Ombudsman through its salary review program, and I also weighed the firm's estimate that a complete study of our operation would cost about \$75,000.

It appeared to be sensible and desirable to me that with the Office of the Ombudsman entering its third year of operations it should be subjected to objective scrutiny by a professional consultant group. I reached this conclusion in light of my concern that despite the ever-increasing demands being made on the Office by the public, it was necessary to restrain our expenditures, especially in the area of full-time staff complement, and it was therefore imperative that our internal procedures ensure that the most efficient complaint-handling methods were being used.

As a result of my conclusion that such a management study was both timely and necessary, I made available to the Board of Internal Economy on March 8, 1977, the following letter, dated February 25, 1977, from Hickling-Johnston Limited, and I also requested of the Board sufficient funds to conduct the recommended study.

"Dear Mr. Maloney:

The next year will be an important one for the Office of the Ombudsman, because it will be one of consolidation of the roles and functions developed over the past year and one half, and one of careful planning of future development of the Office.

It is important to recognize that the problems of management inherent in a new and untried organization of some 120 people are of major proportions. You need the assurance that administration of the Office is efficient, that you have the ability to plan staff and facilities according to projected case volume, and that your administrative procedures are consistent with the best practice in government and private organizations. Substantial changes in the way you are organized, in systems and procedures, and in methods of planning, are required.

These needs have been clearly evident in our review of your salary administration. Indeed, many of your officials have described difficulties they face in their day-to-day affairs which reflect weaknesses in co-ordination and in reporting relationships. There is widespread agreement that basic questions of organization need to be faced, and faced soon.

We have formed the opinion, as well, that management problems are placing nearly impossible demands on you as Ombudsman. These threaten to overwhelm you with the details of administration and impair your ability to provide leadership to the evolution of the Office.

It must be clearly recognized that the management problems described here are entirely consistent with a new function and a new organization. But simply put, now is an appropriate time to address them directly and comprehensively.

There are five specific areas which require substantial adjustment. The first is salary administration which will be firmly in hand by the end of March. The second is the adoption of a set of administrative standards which ensure that your practices are consistent with those of comparable organizations. The third is the efficiency with which your office processes complaints. The fourth is the way in which you approach priorities in complaint treatment. This is particularly critical to the future pattern of expenditures, because increases in the volume of complaints inevitably entail increases in costs -- regardless of how efficiently they are processed. And the fifth is the pattern of reporting relationships and delegation of responsibilities through which the first four items are routinely addressed. This is a matter of organization.

Each of these areas could be addressed in a piecemeal fashion but would not be, in our opinion, the most efficient and effective way. One of the most important lessons learned in public administration in this decade is that management improvement works best when it fully involves middle and senior managers. What this means in practice is that analysis of administrative problems and the implementation of corrective measures can proceed at the same time.

The program of management improvement I have discussed with you will give the Office of the Ombudsman the ability to decide among the various priorities available within the Act, and permit the Office to manage the flow of complaints thereby arising in a manner consistent with the financial limitations the Legislature may approve. This will give both you and Members the assurance that the Ombudsman is addressing the most important needs of the Ontario community, and doing so in the most efficient manner.

Sincerely,

Donald V. Fowke,
Chairman."

At its meeting of March 8, 1977, the Board of Internal Economy referred the question of a complete management study of the Office of the Ombudsman to the Select Committee of the Ombudsman for review.

In light of my feeling that the Office of the Ombudsman should be the subject of a management study, I have decided to delay the issuing of the blueprint for the Office until such time as such a study is completed.

The blueprint will be, in my opinion, an important document which will have an influence on the operation of the Office for years to come, and it seems appropriate that it should include internal complaint-handling and decision-making procedures which are considered, as objectively as possible, to be the most efficient.

I am hopeful that the Select Committee will recommend to the Board of Internal Economy that the proposed study be undertaken. If the study is approved, the blueprint of the Office of the Ombudsman will be finalized after the management study has been completed and its findings incorporated into the Office's operations.

SELECT COMMITTEE ON THE OMBUDSMAN

On July 15, 1976, the Legislature ordered

"That a Select Committee of this House be appointed to review from time to time the reports of the Ombudsman as they become available, to report thereon to the Legislature, and to make such recommendations as the Committee deems appropriate; reports and recommendations of the Committee to be placed on the Order Paper for discussion after presentation..."

On December 16, 1976, the Legislature ordered

"That the terms of reference of the Select Committee...be amended to give the Committee authority to formulate from time to time, as the Committee deems necessary, pursuant to Section 16(1) of The Ombudsman Act, 1975, general rules for the guidance of the Ombudsman in the exercise of his functions under The Ombudsman Act."

The Committee, after dealing with organizational matters, met 15 times during the period from January 18, 1977 to March 22, 1977, and was composed of the following Members of the Legislature:

Mr. James Renwick, Q.C.
Mr. Michael Davison
Mr. Larry Grossman
Mr. William Hodgson
Hon. Keith Norton
Mr. Hugh O'Neil
Mr. Richard Ruston
Ms. Gillian Sandeman

During their meetings, the Committee, among other matters, dealt with my First Annual Report and also heard from 16 of the Legislature's 125 Members who had replied to a request by the Chairman of the Committee to provide comments and observations on the role and operation of the Office of the Ombudsman.

With respect to my First Annual Report, the Committee made a number of recommendations concerning the operations of the Office of the Ombudsman.

Some of these important recommendations and helpful suggestions will be dealt with in a special report to the Select Committee which will be made available to it in the early fall of 1977. With regard to the Committee's other concerns, I wish to report that:

1) Representatives of the Office of the Ombudsman and the Workmen's Compensation Board met to discuss methods whereby the working relationship between the two bodies could be improved.

The Select Committee in its report expressed concern that the working relationship which existed between the Ombudsman and the Workmen's Compensation Board might, in some part, be contributing to the backlog of cases the Ombudsman's Office had with respect to Workmen's Compensation Board cases. Accordingly the Committee recommended that both the Ombudsman and the appropriate Workmen's Compensation Board Commissioners immediately commence discussions for the purpose of arriving at a mutually satisfactory working relationship. The Committee further recommended that the Ombudsman report in his next report the status of the working relationship and any improvements his Office had noted with respect to its ability to process Workmen's Compensation Board complaints.

Two meetings were held with representatives of the Workmen's Compensation Board to discuss this particular area. Representing the Ombudsman were Ellen Adams, Director of Special Services; Kathy Cooper, Director of Research; Philip Patterson, Assistant Director of Research; and Niki Catton, Supervisor of Workmen's Compensation Investigations. Mr. G. W. Reed, Q.C., Vice Chairman of Appeals, and D. F. Hamilton, Commissioner of Appeals, represented the Workmen's Compensation Board. The meetings were held on Thursday, May 12, 1977, and Wednesday, June 1, 1977.

The basis for discussion was a letter dated December 30, 1976, sent by the Ombudsman to Mr. Michael Starr, Chairman of the Workmen's Compensation Board. The letter set out in point form the procedures which were then being followed by the Office of the Ombudsman in dealing with complaints against decisions of the Workmen's Compensation Board.

The two meetings were conducted in a friendly, constructive manner and resulted in procedures being clarified and agreement being reached on all outstanding issues.

Since our First Annual Report, there has been continuing improvement in the working relationship between the Office of the Ombudsman and the Workmen's Compensation Board and it is hoped that any future difficulties will be dealt with through discussions with Workmen's Compensation Board representatives.

I am confident that this improved relationship will continue to help our Office investigate Workmen's Compensation Board cases in as thorough and efficient a manner as possible.

2) There has been little or no change with respect to our previous observations concerning complaints against Municipal Police Officers.

The Committee had asked our Office to comment on our experience with such complaints in light of pending legislation expected to be tabled by the Ministry of the Solicitor-General in early 1977, but since that legislation has not yet been introduced or passed, our Office is continuing to deal with complaints against Municipal Police Officers in the regular method, that is, to advise complainants of the appeal procedures open to them through

- (a) The complaint bureau of their local Police Department,
- (b) Their local Board of Police Commissioners, then
- (c) The Ontario Police Commission.

We also advise complainants that if they are dissatisfied with the resolution of their complaint after its review by the Ontario Police Commission, they can contact us again.

3) The information booklets given to inmates of provincial correctional institutions has not yet been updated with information concerning expanded O.H.I.P. coverage for inmates, but we understand that the Ministry of Correctional Services is expected to have such information ready for inclusion in its new printing of the inmate handbooks this fall.

In the meantime, our Office and the Chief Medical Officer of the Ministry have made an arrangement whereby inmate complaints concerning the denial of a second medical opinion are discussed first with the institution's attending physician and, if necessary, also with the Chief Medical Officer. If, after a review of the case, the Chief Medical Officer in his discretion feels there is a need for a second medical opinion, one is authorized and the appropriate costs are borne by O.H.I.P.

4) The Office of the Ombudsman continues to receive the utmost co-operation from officials of the Ministry of Correctional Services and the Canadian Penitentiary Service with respect to the confidentiality of correspondence between the Ombudsman and inmates incarcerated either in Provincial or Federal Institutions.

The Deputy Minister of Correctional Services indicated to the Select Committee that it is the Ministry's policy and practice

to afford the same privilege of confidentiality to correspondence directed to the Federal Correctional Investigator, and we have considered a legislative method by which such a privilege can be ensured.

I recommend that an addition be made to Section 28 of Regulation 166 (General) of The Ministry of Correctional Services Act so as to allow for the confidentiality of correspondence to and from inmates and the Federal Correctional Investigator. It is my suggestion that in wording the additional regulation consideration be given to the wording used in Section 17(2) of The Ombudsman Act, 1975, which ensures that correspondence from inmates, among others, is forwarded unopened to the Ombudsman.

5) Internal office procedures designed to ensure a more efficient resolution of complaints have been instituted through changes which more thoroughly involve members of the Directorate of Rural, Agricultural and Municipal Services in the investigation and completion of complaints. It will be noted in the detailed summaries shown in Chapter Five that the Directorate of Rural, Agricultural and Municipal Services has been involved more visibly in the resolution of complaints than was the case in our First Annual Report. This Directorate, in addition to having responsibility for complaints concerning the areas named in its title, is also responsible for complaints from Ontario's French-Speaking and Native peoples as well as for complaints involving The Residential Premises Rent Review Act.

In the Spring of 1977, in light of the large number of complaints being handled by the Directorate of Institutional and Special Services, a new Directorate was established to con-

centrate on the unique complaints received from inmates of provincial jails, detention centres and correctional facilities and patients in provincial psychiatric hospitals. The new Directorate of Correctional and Psychiatric Services concentrates on complaints from these facilities and the restructured Directorate of Special Services continues to deal with the large number of complaints concerning the Workmen's Compensation Board. This Directorate also deals with complaints from or concerning juveniles and senior citizens as well as those concerning the Ministry of Community and Social Services.

I am hopeful that these internal changes will help ensure that our total staffing resources are deployed so as to more efficiently handle complaints, but in light of the ever-increasing demands being made on the Office through the larger number of complaints being handled, I feel that the previously-mentioned proposal to conduct a management study of the internal operations of the Office of the Ombudsman is a subject which should receive the Select Committee's immediate attention.

The Office of the Ombudsman, as already pointed out, is currently receiving new complaints at a rate which is 46% higher than that experienced during our last reporting period and despite the above-mentioned internal changes in our Office's operations, the backlog of complaints is continuing to grow.

It should be noted that our office's ability to resolve complaints depends on (a) the complexity of the complaint, (b) the co-operation received by Ombudsman staff from others involved in the settlement of complaints, and (c) the number of and work expended by Ombudsman staff.

The first two factors - as well as the consideration that the Ombudsman cannot control the number of complaints brought to his Office - are beyond the Ombudsman's control, and I must emphasize that the number of complex and time-consuming complaints has increased dramatically since my First Annual Report. At that time, we had dealt with and closed 43 complaints which required nine months or more to complete. By comparison, this report includes 309 complaints which required that length of time to complete. Obviously, the more time our Investigators must spend on complex complaints hampers them in attending to grievances of a more current nature.

The last factor depends not only on the availability of staff but also on their proper deployment to deal with complaints. Hopefully, the internal changes outlined above, as well as the important findings which could be implemented as a result of the proposed management study, will enable the Office of the Ombudsman to more efficiently deal with complaints and maintain the complaint backlog situation at an acceptable level.

6) The policy of the Office of the Ombudsman with respect to the amount of assistance it is able to provide to complainants whose complaints are outside the jurisdiction of The Ombudsman Act, 1975, has not changed since our First Annual Report.

As I stated in that report, the Office of the Ombudsman, relying on the expressions of concern of some M.P.P.'s during the debate on The Ombudsman Act, 1975, ensured that in structuring the Office such complainants would be assisted to the best of our ability.

To that end, certain staff members of the Office have become extremely knowledgeable about the avenues of redress open to complainants with grievances which fall outside the jurisdiction of the Ombudsman and they are able to efficiently communicate the necessary information to complainants.

Fortunately, as has been mentioned previously, outside jurisdiction complaints, as a percentage of all complaints, appear to be dropping, but based on my observations of other Ombudsman operations throughout the world, there is no doubt in my mind that they will continue to represent a substantial amount of this office's caseload.

I am confident that the assistance provided to citizens with complaints which fall outside our jurisdiction is valuable to them in the resolution of their grievances and until I am directed otherwise by the Legislature, I feel it is my duty to continue to provide such assistance.

7) The Office of the Ombudsman has adopted the Manual of Administration as suggested by the Select Committee and the Board of Internal Economy.

8) The Office of the Ombudsman has used and will continue to use the purchasing facilities of the Ministry of Transportation and Communications for the purchase of any additional or replacement automobiles required by the office.

As I commented previously, the other concerns raised by the Select Committee will be dealt with in a special report to the Committee this fall. In addition, I will be pleased to provide more detail to the Committee, at its request, on the recommendations and suggestions already touched upon in this report.

RECOMMENDATIONS DENIED

In a number of cases during this reporting period, I have, after a complaint has been investigated, formed the opinion that the governmental organization involved should act upon a recommendation I made which would, I felt, rectify the problem presented by the complainant.

Such recommendations, which I refer to as "Formal Recommendations" in other parts of this report, are made pursuant to Section 22 of The Ombudsman Act, 1975 (a copy of the Act is included in this report as Appendix "A").

During this reporting period, I made 21 such recommendations, the following four of which were rejected by the governmental organization involved.

--My recommendation to the Workmen's Compensation Board that a 30 year old worker, who was injured in 1971, be given further assistance by the Board's rehabilitation Department for a six month period.

The worker had suffered a back and shoulder injury in 1971 and had received full or partial compensation benefits from August, 1971, to June 2, 1975. During that four year period he had worked only three days and contended that, despite numerous medical reports to the contrary, he could not return to work.

In making my recommendation, I commented that the Board had been very fair with respect to financial benefits allocated to the complainant construction worker, but said there had been no assistance offered in the area of specific retraining programs or

job placements. I concluded that the complainant required assistance in overcoming his perceived disability.

The Board responded by commenting that since it already had denied the complainant further benefits, it would be contrary to Board policy to grant him rehabilitative services. It said that "...there is no evidence to even suggest that (the complainant) has any intention of returning to work of any sort," added that "to ask the rehabilitation people to prolong the procedure appears to be a waste of time and energy," and concluded, "from a practical point of view, we believe that when (the complainant) decides to return to work he will do so and not until, and the sooner he realizes that he will get no further assistance from the Board, the better. We would hope that a clear cut decision from the Board at this time will hasten, not hinder his return to work." (A detailed summary of this case is included in Chapter Five, Case #135, under the heading "Workmen's Compensation Board".)

--My recommendation that the government pay a complainant \$1,318 for his losses and legal expenses. The complainant had made a verbal agreement to purchase a neighbouring 20-acre parcel of land from his neighbour in August, 1974, and he then made arrangements with another neighbour for the exchange of farm goods and services in return for access to the neighbour's land.

Prior to the land transaction closing, however, the Ministry of Government Services offered to buy the land which had already

been the subject of the verbal agreement. This owner was under the mistaken impression that she could change her mind about the Government's offer within 30 days.

The complainant contended he had lost anticipated profits from the sale of timber on the land and said he had incurred legal and out-of-pocket expenses as a result of the agreement between the neighbour and the Government.

At the time of our investigation, the Government had still not closed its transaction with the complainant's neighbour because of conditions it had added to the purchase agreement respecting the requirement of a lack of litigation concerning the purchase.

I recommended (a) that the Ministry pay the complainant his losses and legal expenses and (b) that it complete its transaction with the complainant's neighbour.

My second recommendation was implemented, but the Government, relying on an opinion of the Deputy Attorney-General, said that no authorization existed to entitle a Ministry to implement the recommended payment. (A detailed summary of this case is included in Chapter Five, Case #60, under the heading "Ministry of Government Services".)

--My recommendation that the Workmen's Compensation Board extend the benefit period allowed to an injured worker by two months.

The complainant had suffered a neck disability and was compensated in the amount of about \$800 by the Board for the period September, 1973, to early February, 1974. She returned

to work on February 5, 1974, and remained there until February 22, 1974, when she was again away from work until April 18, 1974.

The issue was whether this latter period was compensable, and after our review of the complainant's medical file from the Board, I recommended that her benefit entitlement period be extended to cover the period from February 22, 1974, to April 18, 1974.

The Board denied my recommendation and said that the worker, when she returned to work on February 5, 1974, had also returned to her pre-existing state prior to her compensable injury and was therefore not entitled to further benefits.

I took the view that the complainant had not returned to her "pre-accident" state by February 5, 1974, since she had been off work less than three weeks later with exactly the same symptoms as those which caused her disability from September, 1973, to February, 1974. (A detailed summary of this case is included in Chapter Five, Case #136, under the heading, "Workmen's Compensation Board.")

--My recommendation concerning a complainant who was deemed ineligible for a grant under the Ontario Home Renewal Program.

The complainant's house had burned down and she had purchased a new one which was moved to her lot, but as a result of a dispute with a contractor, the house had not been placed on its foundation.

The local municipality, which administered the O.H.R.P. grants, denied her grant application -- which she needed in order to have the house placed on its foundation -- because it was

unoccupied. The complainant had not occupied the house because the municipality would not allow water and hydro services to be installed until the house was on its foundation.

After our investigation, I concluded that, due to the special facts of the case, the Minister of Housing should advise the municipal authority to forego the occupancy requirement in the complainant's case.

The Minister replied that a review of the complainant's case indicated that an O.H.R.P. grant would be inappropriate and he also said that it would be irresponsible for the Ministry to compel a participating municipality to contravene a regulation governing the O.H.R.P.

I then noted that the regulation affecting the complainant's case did not allow for a Ministerial discretion to exercise a waiver in any circumstances, and I therefore recommended to the Minister that consideration be given to amending the regulation to allow for such a discretion.

I also recommended that if this recommendation was not acceptable, that an amendment be considered to allow a municipality to exercise such discretion.

At the same time, I recommended that if either amendment was made, the discretion be exercised in the complainant's favour.

The Minister replied to my recommendation saying that it seemed to have much merit, but he later wrote to me saying, in part,

"While the particular situation surrounding (the complainant's) case was certainly considered, our review focused more emphatically on the probable impact of

such revisions on the overall program delivery mechanism.

The program as it now exists features unusual flexibility, emphasizing a reliance on municipal judgment and discretion. Because of this characteristic the program can generally accommodate extraordinary circumstances where real need is manifested . . .

In general we concluded that there is no demonstration of pressing need for remodeling the program with the addition of a special waiving provision."

(A detailed summary of this case is included in Chapter 5, Case #81, under the heading, "Ministry of Housing.")

Although, under The Ombudsman Act, 1975, I have a discretion to bring these four cases to the attention of the Premier and thereafter to the Legislature, I have decided to deliver them directly to the Legislature for its consideration.

At the same time, I feel it is important to again bring to the Legislature's attention a case already outlined in my First Annual Report.

For the sake of convenience, I am setting out below the detailed summary of the case which appeared in my First Annual Report as well as the comments of the Select Committee on the Ombudsman after their consideration of this case.

(31) SUMMARY OF COMPLAINT

This complainant wished to have his birth certificate amended to reflect the results of a sex change operation. Two years prior to lodging this complaint, the complainant, through his solicitor, had been successful in obtaining a Court Order that changed his then female name to a male name. The Deputy Registrar General noted the change of name on the birth registration and a birth certificate was issued in the name of the complainant in accordance with Section 26 of The Vital Statistics Act. The birth certificate, however, still designated the complainant's sex as female rather than male. The complainant's solicitor wrote the Deputy Registrar General of the Ministry requesting that the sex designation on the birth certificate be changed to male. The complainant's solicitor was told that this would not be done since there was no provision for such a change under The Vital Statistics Act.

Before contacting us, the complainant had brought his problem to the attention of M.P.P.'s Albert Roy (Liberal - Ottawa East) and Evelyn Gigantes (N.D.P. - Carleton East).

Our Director of Research examined the provisions of The Vital Statistics Act and communicated with the Ombudsman or Acting Ombudsman for the Provinces of Alberta, Saskatchewan and New Brunswick. He also spoke with the Secretary to the Psychiatrist in charge of the Gender Identity Clinic of the Clarke Institute of Psychiatry in Toronto and met with Ministry officials. We concluded that since there was no provision in The Vital Statistics Act which would allow a change in the sex designation on the complainant's birth certificate to bring it into conformity with his present sexual status, the Ministry had acted properly and in accordance with the law when it refused the complainant's request. However, in our opinion, it was apparent that the decision not to change the sex designation on the birth certificate was made in accordance with a law or Act that, in the words of Section 22(1)(b) of The Ombudsman Act

"was unreasonable, unjust, oppressive or improperly discriminatory".

Our opinion was supported by the fact that the legislators of four Provinces--British Columbia, Alberta, Saskatchewan and New Brunswick--had passed amendments to their vital statistics legislation to allow registrations and birth certificates to be changed for persons who have undergone transsexual surgery. In particular, The Health Act of New Brunswick was so amended directly as a consequence of that Province's Ombudsman's recommendation in 1975.

With both the Deputy Registrar General and the Assistant Deputy Registrar General receptive to the necessary legislative amendment being made, we sent a letter to the Deputy Minister of Consumer and Commercial Relations recommending that all necessary steps be taken to draft an amendment to the Vital Statistics Act which would enable the Registrar General to change the sex designation on the registration and certificate of birth of those persons who have undergone transsexual surgery. We subsequently received word from the Deputy Minister informing us that a policy submission was being prepared for the Justice Policy Field and, if approved, an amendment to the Vital Statistics Act would be drafted.

The Select Committee, at pages 31 and 32 of its Second Report (March, 1977), said:

"Complaint #31 at page 403 of the Report, deals with the provisions of The Vital Statistics Act. At present, The Vital Statistics Act does not permit the Registrar-General to change a sex designation on a birth certificate of a person who has successfully undergone sex change operative procedures.

"The Committee was informed by the Deputy Registrar-General that there is at present proposed legislation within his Ministry providing for sex designation changes by a person on application, accompanied by proof from a duly qualified medical practitioner that the sex change operative procedures have, in fact, been successfully completed. At present, this legislation is with Cabinet for consideration.

"The Committee understands the effect of this sex designation change will be as if the new designation has existed at all times. It will be noted on the birth register but will not supplant the original designation. The Committee therefore presumes that the designation will not be retrospective in its legal affect. If it were, it would raise a great number of statistical and substantive legal implications. The Committee therefore recommends that the Minister of Consumer and Commerical Relations introduce legislation, as soon as possible, to amend The Vital Statistics Act to provide authority in the Registrar-General to make such a sex designation change containing the appropriate safeguards to ensure that the effect of the sex designation change not be retrospective."

As of this report, there has been no change in legislation to The Vital Statistics Act, and the fact that there has not is working a continuing hardship on the complainant mentioned above because he wishes to marry but is prevented from doing so until the necessary amendment is presented to the legislature and passed.

During the reporting period, members of my staff (particularly those from the Directorates of Interview Services and Investigations) held 33 private hearings throughout Ontario.

These hearings are now an integral part of the Ombudsman function and, considering that 20% of the new complaints coming to our Office emanate from this source, it is obvious to me that such hearings are necessary.

Not only do they ensure that those of Ontario's citizens residing outside the larger urban areas have access to the Ombudsman, but they also, through the excellent media coverage given to our hearings, help to inform thousands of people of the existence of our Office.

During the reporting period, members of my staff met with members of the public on a no-appointment necessary basis in the communities of:

Goderich	September 22
Listowell	September 23
Orillia	September 29
Midland	September 30
Barrie	October 1
Parry Sound	October 19
Hamilton (Mohawk College)	October 22
Cambridge	October 28
Dryden	November 3
Sioux Lookout	November 4
Red Lake (Balmertown)	November 5
Nipigon	November 16
Marathon	November 17
Geraldton	November 18
Peterborough	November 25
Trenton	November 26
Englehart	December 7
New Liskeard	December 8
Mattawa	December 9
Toronto (Etobicoke)	January 13
Smith Falls	January 18
Brockville	January 19
Cornwall	January 20
Atikokan	February 15
Fort Francis	February 16
Rainy River	February 17
Manitoulin Island	March 1
Espanola	March 2
Elliott Lake	March 3
Chatham	March 9
Tobermory	March 22
Owen Sound	March 23
Collingwood	March 24

A detailed list of these hearings, including the number of interviews conducted, is to be found in Appendix "B".

SPEAKING ENGAGEMENTS

As well as informing the people of Ontario indirectly of our operations through the media when members of my staff travel on private hearings, both I and senior Ombudsman staff continued to take part in a public speaking program designed to educate the citizens of the province of the role and function of our office.

Particular attention was paid to senior high school classes and assemblies and during the period covered by this report, our Office's operations were discussed with a total of 2,945 students. Their reactions, through their comments and questions, was an educational process for both parties involved and was, in my opinion, an important step in furthering an understanding of the relationships among the young people of the province - who will be the leaders of the province - and the many branches of the legislative process.

Of course, groups of students were not the only bodies spoken with, and both I and other members of my staff addressed groups including trade union associations, fraternal organizations, and community and religious groups.

In total, almost 10,000 individuals learned of the role and function of the Office of the Ombudsman through our public speaking program from December 14, 1976 to March 31, 1977. (Speaking engagements for the period July 11, 1976 to December 13, 1976 were detailed in my First Annual Report). A full list of

the speaking engagements from December 14, 1976 to March 31, 1977, is included in this report as Appendix "C".

TELEPHONE SYSTEM CHANGE

As the workload of the Ombudsman's office has increased, we have found that the normal Bell business system facilities have become unable to handle the call load on even average days.

As a result, and after study and research, the Office of the Ombudsman is now preparing for the installation of a "Centrex" system which will come into operation in August, 1977.

While no immediate changes are planned for the long-distance and toll facilities of the Office (an analysis of the telephone log indicates that there is no urgency for, for instance, a Zenith number or some other system) the Centrex development will greatly improve public access to the Ombudsman and his services.

A province-wide information program is being undertaken to inform the public of the various directorates -- through new listings in all telephone books -- and through the installation of this new system the services of the Office of the Ombudsman will become even more available to complainants in a direct and efficient manner.

Of course, the Office of the Ombudsman will continue to operate as a 24-hour public service and the change-over to the new telephone system will not affect the evening and weekend call monitoring program that has been and is in effect.

INTERNATIONAL CONFERENCE

As I mentioned in my First Annual Report, I and senior members of my staff attended the world's First International Conference of Ombudsmen in Edmonton in September, 1976. This conference was hosted by the Office of the Ombudsman of Alberta, the first Canadian province to establish such an office.

Representatives from more than 50 different jurisdictions throughout the world met for the first time, and around the conference table they discussed common problems and methods of dealing with such problems and also became aware of the enormous benefits to be derived from the pooling of philosophies, experiences with citizen complaints and their resolution and general information.

A major result of the Conference was the decision to form an International Steering Committee. That committee, of which I am honoured to be a member, met in the spring of this year with regard to several matters of common concern.

At that meeting, which was held in Paris, a proposal was made and accepted that an International Centre for studies relating to the work of Ombudsmen be established at the University of Alberta's Faculty of Law in Edmonton. Dean Frank Jones of that faculty was appointed to head the Centre and he is already engaged in preliminary organizational work to ensure that the Centre will prove a valuable source of information for Ombudsmen around the world.

The Steering Committee also decided that the next International Ombudsman Conference will be held in Jerusalem in 1980.

In conjunction with the First International Conference of Ombudsmen, my office played host to several Ombudsmen from jurisdictions around the world as they journeyed to or returned from Edmonton. Among our guests before the Conference were:

Mr. David Longland & party	(Queensland, Australia)
Dr. Nebenzahl & Mr. Schiff	(Israel)
Sir Guy & Lady Powles	(New Zealand)
Dr. & Mrs. Harry Smith	(Nova Scotia)
Mr. & Mrs. Gordon Combe	(South Australia)
M. Aime Pacquet	(France)

Following the Conference, the visitors were:

Mr. Frank Hedges	(Papua-New Guinea)
Dr. Jorma S. Aalto	(Finland)
Mr. Justice Moti Tikaram	(Fiji)
Mr. & Mrs. Oliver Dixon	(Western Australia)
Mr. Ulf Lundvik	(Sweden)
Mr. John Dillon	(Victoria)

In addition to Provincial receptions held to honour our guests, working sessions were arranged between the Ombudsmen and members of my staff to familiarize them with the Office of the Ombudsman in Ontario. The comments and suggestions they made relating to our new organization were both appreciated and helpful.

In closing, I feel I would be remiss if I did not express my deep appreciation to the dedicated staff of the Ombudsman who daily investigate and otherwise are involved in the resolution of complaints brought to our Office. Without their tireless efforts, the results shown in this report would not have been possible and I have every confidence that they will continue their service to the public in the future.

COMPLAINTS BY ORGANIZATION

	<i>Within Jurisdiction</i>	<i>Outside Jurisdiction</i>	<i>Not Determined</i>	<i>Total</i>
<u>GOVERNMENT OF ONTARIO</u>				
<u>Ministries/Agencies</u>				
Agriculture and Food	6	5		11
Ontario Milk Marketing Board	3	17		20
Attorney General	15	48		63
Criminal Injuries Compensation Board	6	7		13
Land Compensation Board		3		3
Ontario Municipal Board	5	30		35
Colleges and Universities	31	16		47
Colleges of Applied Arts and Technology	4			4
Community and Social Services	77	73	3	153
Consumer and Commercial Relations	46	24	1	71
Liquor Control Board	3	3		6
Correctional Services	17	7		24
Correctional Centres/Adult Training Centres/Detention Centres	552	33		585
Schools	19			19
Jails	376	9	3	388
Total 1016				
Ontario Parole Board	4	2		6
Culture and Recreation	3	1		4
Ontario Lottery Corporation	5	2		7
Education	15	12		27
Teacher's Superannuation Commission	2			2
Energy		1		1
Ontario Energy Board	1	1		2
Ontario Hydro	19	5		24
Environment	19	13		32
Government Services	24	11		35
Health	35	12	1	48
Psychiatric Hospitals	67	8		75
OHIP	40	9		49
Total 172				
Housing	20	9		29
Ontario Housing Corporation	52	10	1	63
Ontario Mortgage Corporation	1	1		2
Industry and Tourism	4			4
Labour	20	4		24
Ontario Human Rights Commission	8	6		14
Ontario Labour Relations Board	6	2		8
Workmen's Compensation Board	164	323	2	489

COMPLAINTS BY ORGANIZATION

	<i>Within Jurisdiction</i>	<i>Outside Jurisdiction</i>	<i>Not Determined</i>	<i>Total</i>
Natural Resources	42	24		66
Revenue	39	26		65
Solicitor General	1	4		5
Ontario Police Commission	4	2		6
Ontario Provincial Police		27		27
Transportation and Communications	63	33		96
Treasury, Economics and Intergovernmental Affairs	5	14		19
Total	1823	837	11	2671

Ontario Government Other

Management Board		1		1
Civil Service Commission	2	5		7
Public Service Grievance Board		1		1
Office of the Assembly		1		1
Commission on Election Contributions and Expenses		1		1
Office of the Premier/Cabinet Office		1		1
Niagara Escarpment Commission	2	3		5
Office of the Ombudsman		5		5
Executive Council		1		1
Total	4	19		23
Government of Ontario Total	1827	856	11	2694

COURTS

Total	249	249
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FEDERAL GOVERNMENT DEPARTMENTS/AGENCIES

Air Canada	1	1
Canadian Penitentiary Services	13	13
Central Mortgage and Housing	12	12
Consumer and Corporate Affairs	4	4
Office of the Correctional Investigator		
Health and Welfare	54	54
Indian Affairs and Northern Development	4	4
Justice	5	5
Manpower and Immigration	38	38
National Parole Board	26	26
Post Office	14	14
Public Service Commission	2	2
Public Works	3	3
Revenue Canada - Taxation	39	39
Royal Canadian Mounted Police	8	8
Transport	9	9
Unemployment Insurance Commission	78	78
Veterans Affairs	13	13
Federal Government - Other	65	65
Total	388	388

COMPLAINTS BY ORGANIZATION

	<i>Within Jurisdiction</i>	<i>Outside Jurisdiction</i>	<i>Not Determined</i>	<i>Total</i>
<u>PRIVATE</u>				
Associations/Groups		47		47
Complaint Bureau		1		1
Children's Aid Society		13		13
Doctors - Patients		21		21
Hospitals - Private		29		29
Lawyers - Clients		171		171
Law Society of Upper Canada		31		31
College of Physicians and Surgeons		7		7
Other - Private		101		101
Private Business		478		478
Private Individual		227		227
Universities		14		14
Total		1140		1140
<u>MUNICIPALITIES/LOCAL AUTHORITIES</u>				
Municipalities		427		427
Municipal Police		100		100
Total		527		527
<u>OTHER PROVINCES</u>				
Total		10		10
<u>INTERNATIONAL</u>				
Total		25		25
<u>NO ORGANIZATION SPECIFIED</u>				
Total		35	8	43
OVERALL TOTAL	1827	3230	19	5076

CHAPTER TWO

REPORT ON THE DEVELOPMENTS IN THE NORTH PICKERING CASE

In the First Annual Report of the Ombudsman which was presented to the Legislature on January 10, 1977, reference was made in Appendix B to the Ombudsman's Report and Recommendations on the investigation of the North Pickering Project.

As was outlined in the Annual Report, the Minister of Housing publicly announced on July 7, 1976 that he, on behalf of his Ministry, was rejecting the recommendations which the Ombudsman had made in the North Pickering Project Report. It was the Ombudsman's opinion as a result of his investigation of the North Pickering Project that the former North Pickering landowners specified in the Report had not been dealt with fairly by the Ministry of Housing when that Ministry had acquired the property of the owners through a program of land acquisition. The Ombudsman had accordingly recommended that certain landowners' cases be referred to the Land Compensation Board for the purpose of determining the amount of monetary compensation that each should receive.

On July 8, 1976, the Ombudsman indicated by public announcement that he would be referring his Report and Recommendations to the Premier of the Province for his consideration. After the Premier had had an opportunity to review the Report, he met with the Ombudsman on seven occasions. While these meetings were going on, the Ombudsman agreed with the Premier that a Select Committee of the Legislature, representing all political parties in the proportions they were represented in the Legislature, should be appointed to consider the Ombudsman's Report and Recommendations.

On July 15, 1976, it was moved in the Legislative Assembly by the Premier and seconded by Mr. Stephen Lewis that a Select Committee of the House be appointed

"to review from time to time the reports of the Ombudsman as they become available, to report thereon to the Legislature, and to make such recommendations as the Committee deems appropriate; reports and recommendations of the Committee to be placed on the Order Paper for discussion after presentation."

The Committee as it was constituted consisted of eight members of the Provincial Parliament; they were:

Mr. James Renwick, Chairman, (NDP, Riverdale),
Ms. Gillian Sandeman (NDP, Peterborough),
Mr. Michael Davison (NDP, Hamilton Centre),
Mr. Larry Grossman, Vice-Chairman, (PC, St. Andrew-
St. Patrick),
Mr. William Hodgson (PC, North York),
Mr. Keith Norton (PC, Kingston and the Islands),
Mr. Hugh O'Neil (L., Quinte), and
Mr. Richard F. Ruston (L., Essex North).

The Select Committee on the Ombudsman began its consideration of the Ombudsman's Report in late August of 1976, with the assistance of its counsel, Mr. John Bell. The proceedings before the Committee recessed for approximately three weeks in September, reconvening on September 27, 1976. In the interim, however, the Ombudsman was served on September 24, 1976 with a Notice of Application for Judicial Review brought by five of the land acquisition agents who had dealt with a number of the former landowners named in the Ombudsman's Report. The Application for Judicial Review would have been brought in the Divisional Court and its disposition posed the threat of a substantial delay in the progress being made not only by the Select Committee but also in the ultimate disposition of the problem.

During the discussions before the Select Committee, it was suggested by a member of the Committee that the Minister of Housing and the Ombudsman should try to find a solution to the problems posed by the Application. As a result of this suggestion, the Minister and the Ombudsman met privately and arrived at an agreement which was subsequently ratified by the Select Committee with minor variations. The terms of the agreement were also acceptable to counsel for the five land acquisition agents.

The agreement called for the establishment of a Commission under The Public Inquiries Act, 1971 to investigate those complaints of the landowners named in the Ombudsman's Report which the Minister had disputed and any of the other cases referred to in the Report where the negotiations were handled by any one of the five applicants to the Motion for Judicial Review before the Divisional Court. The agreement also provided that the balance of the cases referred to in the Ombudsman's Report and any new cases which had been lodged with the Ombudsman's Office since the finalization of the Report would be reopened and investigated at a hearing conducted pursuant to the provisions of Section 20(2) of The Ombudsman Act, 1975. The Minister undertook to give effect to whatever recommendation the Ombudsman made in connection with this group of cases.

The agreement also provided that the former landowners and the Ministry would be entitled to be represented by counsel at each hearing and that the Ombudsman would appoint counsel to act on behalf of the landowners with reasonable fees for such counsel to be paid by the Ministry of Housing.

The Government appointed three persons by Order-in-Council to comprise the Commission under The Public Inquiries Act, 1971: The Honourable J. F. Donnelly, Mr. R. M. Grant, Q.C., and Mr. Peter Marriott, Esq. The appointment by the Government of the three members of the Commission was made without any consultation with either the Select Committee on the Ombudsman or the Ombudsman himself. Following the announcement of the appointment of the three members to the Commission, the Ombudsman wrote the following letter to the Premier on November 12, 1976:

"Dear Mr. Premier:

Re: The Commission appointed to
inquire into certain cases
relating to the North
Pickering Project

I was much disturbed by the decision to appoint the members of the Commission without any consultation with me or the Chairman of the Select Committee on the Ombudsman.

I feel this was an oversight of very great importance.

It was the desire of the Ministry of Housing that the controversy between the landowners and the Ministry be determined in a Public Inquiry. There is a long and wise tradition that frowns on the unilateral selection by one party of the judges who will be charged with the responsibility of hearing and determining the matter in dispute.

It is no doubt unnecessary to draw your attention or the attention of the Attorney General that not all of the Government appointments to the Commission are acceptable to me.

I always felt that my meetings with you and my subsequent meetings with Mr. Rhodes, when the compromise was worked out, were conducted in an atmosphere of frankness and candor. The selection of the Commission, therefore, without consultation with me as the other party to the controversy or with the Select Committee came as a surprise to me.

I strongly urge that the Commission be re-constituted after consultation with me and Mr. James Renwick, M.P.P., on behalf of the Select Committee. As an alternative, I urge that the present Commission be increased to five members and that one of the

additional members be designated by me and the other by Mr. Renwick. Happily, there is ample time to implement either of the foregoing suggestions.

You will agree with me that it is well established that justice should not only be done but appear to be done.

With all good wishes, I remain

Yours faithfully."

Subsequent to the above letter of November 12, 1976, discussions took place between the Ombudsman and officials in the Premier's Office. On November 24, 1976, the Ombudsman wrote the following letter to the Premier:

"Dear Mr. Premier:

Re: The Commission appointed to
inquire into certain cases
relating to the North
Pickering Project

Subsequent to my letter to you of November 12, 1976, I had a number of telephone conversations with Dr. E. Stewart, Deputy Minister, in your office.

The final result of these discussions has been that you have agreed to the replacement of Mr. Marriott as a member of the Commission set up to inquire into some of the North Pickering land deals by a person of my designation.

I am now in a position to advise you of my nominee. It is Mr. David G. Humphrey, Q.C., 3 Sultan Street, Toronto, Ontario.

Mr. Humphrey, I am sure, needs no introduction to you and certainly not to the Attorney General who has known him as well as I over his years as a practising lawyer. After having attended both Yale University and the University of Toronto, he attended Osgoode Hall and was called to the Bar of Ontario in 1950. He served his articling period as a student with Mr. Charles L. Dubin, Q.C., now the Honourable Mr. Justice Dubin of the Ontario Court of Appeal and a member of the same firm was the late Mr. Jack Kimber. Mr. Humphrey served as Assistant Crown Attorney in the County of York from 1950 to 1954. He was appointed Queen's Counsel in 1960. He has engaged in the practice of law in Toronto ever since his retirement from the Crown Attorney's staff and has figured in some of the most celebrated cases to have been tried in Ontario Courts. He is a founding member of the Criminal Lawyers' Association and presently serves as a Director of The Advocates'

Society. He is a Bencher of the Law Society of Upper Canada and serves on a number of its important committees.

In view of this outstanding background, I am sure you will agree that we are exceedingly fortunate to have prevailed upon Mr. Humphrey to accept this responsibility. I am embarrassed by the inadequacy of the compensation to be allowed him but he is fully aware of this and out of a clear sense of public duty has agreed to serve.

I take it when his appointment has been confirmed by Order-in-Council, I will be notified.

Yours faithfully."

On December 2, 1976, the Premier issued the following press release:

"TORONTO--Premier William Davis today announced that Toronto lawyer David G. Humphrey, Q.C., will be appointed to the three-member commission to implement the agreement reached by the Minister of Housing and the Ombudsman relating to North Pickering land sales.

It was announced on October 26 that the Honourable J. F. Donnelly, a former Justice of the Supreme Court of Ontario, will head the commission. Other members appointed were Roy Grant, Q.C., and G. P. Marriott, both members of the Ontario Land Compensation Board. Mr. Grant is vice-chairman of that board.

Premier Davis said that since the original announcement of the commission members, Ombudsman Arthur Maloney has requested that Mr. Humphrey be appointed. He will replace Mr. Marriott who has agreed to step down as a member of the commission.

The commission was formed following an agreement reached in September by Housing Minister John Rhodes and Mr. Maloney and subsequently endorsed by the Select Committee of the Legislature on the Office of the Ombudsman."

Pursuant to the agreement between the Ombudsman and the Minister of Housing, the Ombudsman appointed Mr. Ian G. Scott, Q.C., Mr. Chris G. Paliare, and Mr. John Collins to act as counsel to the former landowners before the Commission.

On October 1, 1976, the Ombudsman, in the exercise of his powers of delegation under Section 27 of The Ombudsman Act, 1975,

designated Mr. Keith A. Hoilett, Special Assistant and Legal Officer to the Ombudsman, to conduct hearings in relation to the reopened North Pickering Project complaints as well as those additional complaints relating to the North Pickering Project and not forming part of the Ombudsman's North Pickering Report dated June 22, 1976. Mr. Michael A. Wadworth and Mr. John F. Rook were appointed by the Ombudsman to act as counsel for the former landowners in these proceedings.

These hearings, which are being held pursuant to Section 20 of The Ombudsman Act, 1975, commenced on December 6, 1976 and are currently proceeding in private as provided by The Ombudsman Act, 1975. Except for a two-week break at Christmas and a short break at Easter, these hearings have been proceeding without interruption since the date of their commencement on December 6, 1976. Initially, Mr. Hoilett had been sitting four days a week--Monday to Thursday; however, since Monday, February 21, 1977, Mr. Hoilett has been sitting five days a week.

The Ombudsman is pleased with the progress of these hearings. As of June 30, 1977, Mr. Hoilett had heard evidence in respect of the 34th complaint. The projected total number of complaints to be heard is approximately 75. It is still too early to forecast precisely when these hearings will be completed but assuming the present pace is maintained, it is hoped that all the evidence will be in by the latter part of this year. As of June 30, 1977, a total of 122 witnesses had given evidence before Mr. Hoilett in these proceedings.

With respect to the progress of the hearings before the Commission appointed by the Government under The Public Inquiries

Act, 1971, an informal meeting was convened by the members of the Commission on November 4, 1976 in the offices of the Land Compensation Board, 7th Floor, 10 King Street East, Toronto. Counsel for the former landowners attended the meeting at which it was announced that Mr. Robert P. Armstrong and Mr. Willard J. L'Heureux would be acting as counsel for the Ministry of Housing in the proceedings before the Commission and Mr. John Sopinka, Q.C., and Mr. Robert W. Cosman would be acting as counsel for the land acquisition agents who had been the applicants to the Motion for Judicial Review.

On November 22, 1976, a second preliminary meeting was held by the members of the Commission in the offices of the Land Compensation Board, to which all counsel were again invited. Informal discussion took place at this meeting concerning the procedure by which the Commission would conduct its hearings but the Chairman, the Honourable J. F. Donnelly, indicated that he and his fellow Commissioners would be reserving the majority of their procedural decisions until such time as the Commission formally convened its hearings. At the conclusion of the meeting, the Chairman announced a proposed commencement date for the hearings of January 24, 1976.

The Ministry of Housing designated the 11th floor of the offices of the Attorney General at 18 King Street East, Toronto, as the location for the hearings to be conducted before the Commission. These hearings commenced on January 24, 1977 and, at this time, the Commissioners made certain rulings with respect to the procedure by which they intended to discharge their obligations as set out in the Order-in-Council constituting the

Commission. At this time, the Commissioners ruled that they were sitting in a judicial capacity, that they would hear each of the complainants' cases individually and would reserve their decision on each case until they had heard all of the evidence. The Commissioners also ruled that the complaints of the former landowners would be heard before any reply offered by the Ministry of Housing would be heard and that any counsel calling witnesses would be required to confine his questioning to direct examination only.

On January 25, 1977, the Commission sat for the second day of its hearings, at which time counsel for the former landowners introduced into evidence a number of documents, two of which were objected to by counsel for the Ministry of Housing. The Commissioners, in a majority ruling, with Mr. Humphrey dissenting, decided that the two documents should not be admitted into evidence. Counsel for the former landowners also called their first witness in the Commission hearings, Mrs. Heather Dinsmore, who was examined in chief by Mr. Ian G. Scott, Q.C., her counsel. During the course of this examination, counsel for the Ministry of Housing objected to certain evidence led from Mrs. Dinsmore, which counsel claimed should be excluded from the hearings on the basis that the evidence was hearsay. The Commission adjourned to consider the objection and when it reconvened on January 26, 1977, the Commissioners, in a majority ruling, again with Mr. Humphrey dissenting, decided that the evidence objected to by counsel for the Ministry of Housing was, in fact, hearsay evidence and should be excluded from their hearings. At this point, counsel

for the former landowners advised the members of the Commission that they were requesting an adjournment to consider the advisability of preparing a Stated Case to the Divisional Court to test certain procedural decisions which the Commissioners had made. The adjournment was granted.

The Commission reconvened on January 27, 1977, at which time counsel were invited to make comments on the case which had been stated by the members of the Commission to the Divisional Court at the request of counsel for the former landowners. Certain changes were made in the Stated Case as a result of counsel's submissions and then the Commission again adjourned.

The Commission reconvened on January 31, 1977, for its fifth day of hearings, at which time the Commissioners dealt with another objection by counsel for the Ministry of Housing to the admission of certain evidence. Counsel for the Ministry of Housing argued that counsel for the former landowners were attempting to introduce "similar fact" evidence which would not be admissible in a court of law. On this objection the Commissioners ruled unanimously that the evidence was admissible in their hearings. The Commission then adjourned until such time as the Divisional Court could hear and dispose of the Stated Case before it, pursuant to The Public Inquiries Act, 1971, which dictates that any commission constituted pursuant to that legislation must not continue to hear evidence while there is any outstanding application before the Divisional Court concerning its procedure.

On February 9 and February 10, 1977, counsel for all parties involved in the proceedings before the Commission appeared before

the Divisional Court to present argument with respect to the case stated to that Court by the members of the Commission. At the conclusion of the presentation of argument before the Divisional Court on February 10, 1977, the members of the Court delivered an oral judgment which predominantly supported the position which counsel for the former landowners had taken in their argument.

Shortly thereafter, counsel for the land acquisition agents indicated that they would be applying for leave to appeal the decision of the Divisional Court to the Ontario Court of Appeal and, on February 22, 1977, counsel for all parties appeared before the Court of Appeal to present argument on the issue of whether or not leave to appeal should be granted. In a brief oral judgment, the members of the Court of Appeal granted leave to appeal to counsel for the land acquisition agents.

On March 15, 1977, counsel for all parties appeared before the Court of Appeal, at which time the Court heard argument on the appeal brought by the land acquisition agents involved in the Commission. At the conclusion of the presentation of argument, the members of the Court of Appeal reserved judgment. Approximately three weeks later, a written judgment was handed down from the Court of Appeal, which once again predominantly supported the position which counsel for the former landowners had taken during the presentation of argument before the Court. However, the Court of Appeal reversed a previous ruling made by the Divisional Court. This ruling by the Court of Appeal held that a single member of the Commission could not depart from the majority view of the Commissioners as to the procedure by which the Commission would conduct its hearings, in particular, any decision concerning the

admissibility of evidence.

On April 15, 1977, in a letter addressed to the Lieutenant Governor of Ontario, Mr. David G. Humphrey, Q.C., tendered his resignation as a Commissioner on the North Pickering Commission. In this correspondence, Mr. Humphrey stated that, in his view, the majority of the members of the Commission were not conducting the Commission hearings in a fashion that was in the best interests of any of the parties appearing before it. Mr. Humphrey further stated that because he was being frustrated in his attempt to discharge what he considered to be his obligation under the Order-in-Council constituting the Commission, he felt that he was left with no alternative but to resign. Mr. Humphrey's letter reads as follows:

"Your Honour:

Re: North Pickering Royal Commission

By Order-in-Council 2959/76 as amended by Order-in-Council 3545/76 I was appointed a Commissioner. I must now regretfully tender my resignation to take effect immediately and I set out hereafter, some of my reasons for reaching this conclusion.

1. During the brief period that the Commission was in session, a number of rulings on evidence were made by the Chairman, The Honourable J. F. Donnelly, concurred in by Commissioner R. W. Grant. In a number of these rulings I dissented. The validity of these rulings was challenged firstly in the Divisional Court and then in the Court of Appeal.

Although the legal directions to the Royal Commission are clear as to the legal position to be taken by the Commission, that guidance does not alleviate the divergence in 'concept' between me and my fellow Commissioners, and more particularly what is fair and in my opinion just. With deference to my fellow Commissioners, we are incompatible and one might conclude that I am a voice crying in the wilderness. Mr. Justice Southey's judgment in the Divisional Court accurately predicted my difficulties.

2. This hearing is not in the best interest of the participants, the public, or for that matter, anyone. It is clearly on a collision course with proceedings at present being conducted by the Ombudsman under The Ombudsman Act in which exactly the same issues are being tried but without the participants being subjected to 'an adversarial' proceeding, and with full powers of investigation.

3. Recent events have shown that this Hearing has in effect been turned into a court case and an incredibly expensive one at that. Whereas I believe this Hearing would be completed by no later than September, I am now advised by the Chairman that he is not prepared to sit this summer, which period is the most convenient for me, and it is obvious that this Hearing will proceed well into 1978, if not forever, which effectually precludes my continuing participation.

4. I am in receipt of a copy of a letter dated April 12, 1977 from Mr. Ian G. Scott, Q.C., to the Honourable Attorney General referring to the recommendations of the Select Committee on the Ombudsman. With respect, I am in full agreement with Mr. Scott's submissions and the Select Committee's recommendations. If this Commission were reconstructed as a single Commissioner enquiring and investigating, the conflict with the Ombudsman's Hearing might disappear, the length of this Hearing could be substantially reduced and a real sense of justice instilled.

Hopefully you will agree that it is grossly unfair to subject some of the claimants to adversarial proceedings, whereas others with identical claims have the benefit of The Ombudsman Act in a Hearing pursuant thereto.

Yours respectfully."

On April 18, 1977 the Commission reconvened in the absence of Mr. David Humphrey. The remaining Commissioners, Mr. J. F. Donnelly and Mr. R. M. Grant, Q.C., declined to formally convene the Commission because of their concern about the status of the Commission to continue after the resignation of one of the Commissioners. Accordingly, an informal meeting was convened in the boardroom of the Commission offices to which all counsel were invited and from which the general public was excluded.

Counsel for the Ministry of Housing and counsel for the land acquisition agents argued that the remaining two Commissioners had jurisdiction to continue the hearing, while counsel for the former landowners advanced the argument that Mr. Humphrey's resignation as a Commissioner deprived the remaining two Commissioners of jurisdiction to proceed.

Mr. J. F. Donnelly and Mr. R. M. Grant, Q.C., retired to their chambers to consider these submissions and returned shortly thereafter. They indicated to counsel that they intended to adjourn the hearings of the Commission for a period of one week until April 25, 1977 in order to give the Cabinet an opportunity to intervene and deal with the resignation of Mr. Humphrey as a Commissioner. The remaining two Commissioners stated, however, that if the Cabinet did not see fit to intervene during the one-week adjournment, they would then entertain formal argument from all counsel as to the Commission's jurisdiction to continue the hearing in the absence of Mr. David Humphrey, Q.C.

Prior to April 25, 1977 counsel for all parties appearing before the Commission received notice from the Commission Registrar, Mr. Les Hiscoke, that the remaining two Commissioners had extended the duration of the adjournment until May 2, 1977. Shortly before this date, all counsel received notice that the adjournment had been extended until May 16, 1977. No explanation was given for this further adjournment. Prior to May 16, and again without any explanation, all parties before the Commission received notice that the Commission had again extended the adjournment until May 24, 1977.

On April 25, 1977, the Ombudsman received the following letter from the Premier of Ontario:

"Dear Arthur:

As you will be aware, Mr. David Humphrey, a member of the Commission enquiring into certain cases relating to the North Pickering project, submitted his resignation from the Commission to the Lieutenant Governor in Council. Since rather special arrangements were made, at your suggestion, to name Mr. Humphrey to the Commission, I thought I should outline for you the steps the Government now intends to follow in light of his resignation.

While Mr. Humphrey has suggested that the inquiry proceed as a one-man Commission, we do not feel that this would be appropriate. If we were to accept this recommendation, the most obvious option would be to ask the Honourable Frank Donnelly to carry on as the one-man Commission. However, the original intention was to combine the talents and knowledge of this experienced jurist with the background and experience to be gained from members of the Ontario Land Compensation Board.

Under the circumstances, therefore, we intend to return to our original plan and to ask Mr. Peter Marriott, a member of the Land Compensation Board, to join Mr. Donnelly and Mr. Roy Grant, Vice Chairman of the Land Compensation Board, as members of the Inquiry Commission. The replacement of Mr. Humphrey with Mr. Marriott will, in my view, more clearly adhere to the original terms of the agreement which was reached between the Minister of Housing and yourself.

It should also be emphasized that the reconstituted tribunal will be impartial in every sense. If nothing else, the circumstances that have followed Mr. Humphrey's appointment, should make it clear that we would be unwise, at this stage, to have any member of the tribunal nominated by either yourself or the Minister.

Hopefully, with Mr. Marriott's appointment, the inquiry can now continue and be carried out in expeditious fashion.

Yours sincerely."

On April 26, 1977, the Ombudsman forwarded the following letter to the Premier:

"Dear Bill:

I have just received your letter concerning the North Pickering Project and your decision to re-appoint Mr. Marriott to the Commission.

I will write you a more detailed letter in a day or two but in the meantime I want to assure you that your decision in this regard is totally and completely unacceptable to me and I urge you as strongly as I can to reconsider it.

It is fully apparent from the reasons given by Mr. David Humphrey in his resignation from the Commission that justice will not be done to the landowners in North Pickering by the course it is apparently proposed to follow.

I refer you to the earlier correspondence in this matter I had with you and I cannot tell you how disappointed I am that you would make this decision without any advance consultation with me.

Yours faithfully."

On Tuesday, May 3, 1977, the Ombudsman met with Dr. E. E. Stewart, Minister and Secretary of the Cabinet, and the Attorney General to discuss the situation regarding the North Pickering Project Commission. On May 6, 1977, the Ombudsman sent the following letter to Dr. Stewart:

"Dear Dr. Stewart:

This will acknowledge your telephone conversation of this morning. This follows a meeting that took place in my office between the Attorney General, yourself and me on Tuesday, May 3rd.

You have advised me that the proceedings relating to the North Pickering landowners will continue under the Chairmanship of the Honourable Frank Donnelly and will include Mr. Roy Grant. You have invited me to name a replacement for Mr. David Humphrey, Q.C., preferably, although not necessarily, a member of the Land Compensation Board.

You have before you Mr. Humphrey's letter of resignation; also the recommendations of the Select Committee on the Ombudsman dated March 28th, 1977, and also, of course, my original letter of November 12, 1976. In addition, I have met with Mr. Ian Scott, Q.C., who has advised me of the vast dissatisfaction of his clients with these proceedings.

In the light of all of the foregoing I feel it would not be proper for me to nominate a member of this Commission.

In the light of what has transpired, I would still continue to hope that the Minister of Housing, the Government and I can reconsider this matter and devise a method of inquiry that will be more expeditious, less costly and more just to all concerned.

Yours faithfully."

Subsequent to the above letter, the Ombudsman received the following letter dated May 16, 1977 from Dr. Stewart:

"Dear Mr. Maloney:

I am writing to inform you of Cabinet's decision to appoint Mr. Peter Marriott, a member of the Ontario Land Compensation Board, as the third member of the Commission enquiring into certain areas relating to the North Pickering project.

Before reaching the decision regarding Mr. Marriott's appointment, the Premier and members of the Cabinet were made aware of your letter to me of May 6, 1977, in which you commented on the vacancy created by the resignation of Mr. David Humphrey as a member of the Commission and declined to nominate anyone to replace him.

Members of the Cabinet held to the view that it was important that Mr. Humphrey be replaced as soon as possible in order that the Commission might renew the hearings at the earliest possible date, in fairness to those whose submissions are being heard. Further, the Minister of Housing made it clear, during the discussion, that any steps taken to replace Mr. Humphrey should be consistent with the agreement made between him and yourself and endorsed by the Select Committee on the Ombudsman. Mr. Marriott's appointment, as you are aware, will conform with that agreement in all respects.

We trust that, with full membership in place, the Commission will now be able to proceed expeditiously, efficiently, and with justice for all who appear before it. Those, I believe, were the goals which you outlined as being desirable and which we also seek as a result of this undertaking.

Yours sincerely."

Shortly after it was announced by the Premier that the vacancy on the Commission which had been caused by Mr. Humphrey's resignation would be filled by Mr. Peter Marriott of the Ontario

Land Compensation Board, counsel for the former landowners advised the Commission that the former landowners were withdrawing from voluntary participation in the hearing before the newly constituted Commission. Mr. Ian Scott, Q.C., counsel for the former landowners, delivered the following explanatory letter to the Chairman of the Commission on May 17, 1977:

"Dear Mr. Donnelly,

RE: North Pickering Project

For unstated reasons the Commission hearings were adjourned from April 18 to May 2, from May 2 to May 16 and from May 16 to May 24; as a further adjournment may be imposed, I thought it best to communicate to the Commission in writing the recent instructions I have received from my clients.

It was initial complaints from my clients to the Ombudsman that led to the investigation of land acquisitions in the North Pickering project and the resulting Report of the Opinion of the Ombudsman dated June 22, 1976, which included reasons and recommendations. This Report became the subject of hearings before the Select Committee of the Legislature on the Ombudsman chaired by James Renwick, Q.C., M.P.P. But before the hearings could be completed, a settlement of certain issues by the Ombudsman and the Ministry of Housing was announced. These Minutes of Settlement were amended and approved by the Select Committee which after reporting to the Legislature, terminated its hearings.

It is clear from the lengthy debate in the Select Committee on October 1, 1976 that the committee wished to ensure that a full reinvestigation of the complaints about the land acquisitions be held and that the Ministry of Housing and certain land agents had full right to participate in that reinvestigation.

The terms of the Minutes of Settlement provided that certain cases (including the original objectors) should be heard by your Commission and certain cases should be heard by the Ombudsman's nominee. The division of labour between the two tribunals may have been necessary for technical reasons but was never, as I understand the matter, intended to bespeak different treatment of the claimants or a different standard of re-investigation.

Therefore, both at several informal attendances before your Commission and at its formal hearings, as counsel for the land owners, Mr. Paliare and Mr. Collins and I have vigorously asserted that the Commission should proceed in a way which will reflect the objectives of the Select Committee and the Minutes of Settlement. In particular:

1. We have sought to persuade the Commission that it is engaged in the process of re-investigation of the land acquisition process in the North Pickering Project and is not engaged in a trial or a trial-like process in which the claimants are pitted against the Ministry.

2. We have sought to persuade the Commission that this investigation could best be achieved by the appointment of Commission Counsel who would be responsible for preliminary investigation, for sorting out the issues, and for leading much of the evidence subject to the right of all participants to cross-examine or to call any additional evidence that they require. Appointment of Commission Counsel is not novel; it is in fact the standard procedure almost universally adopted by Commissions of Inquiry appointed under either the provincial or federal Statute. It is hard to see how an investigative Commission can be carried forward without the appointment of such a Counsel.

3. We have sought to persuade the Commission that it should make clear at the commencement that it is prepared to apply, in the resolution of the issues before it, standards like those imposed on the Ombudsman by Section 22 of the Ombudsman's Act.

4. We have sought to persuade the Commission of Enquiry that with respect to the admission of the evidence it should take a broad view of its responsibilities. Although we have failed in this objective, the decisions of The Divisional Court and The Court of Appeal for Ontario make clear the responsibility of the Commission in this regard.

Your Commission and the Enquiry conducted by the Ombudsman's nominee, Mr. Hoilett, commenced operations at approximately the same time, yet Mr. Hoilett's Enquiry has inquired into some 26 cases; whereas by virtue of severe differences of opinion as to procedural matters, it has been possible for this Commission of Enquiry to hear only two days evidence.

In my respectful view from the beginning the Commission by adopting the course and the procedure it has, has proved itself constrained by the appearance in the Order-in-Council of the provision that: "all matters referred to this Commission shall be heard and determined in proceedings of an adversarial nature". This language has persuaded the Enquiry to conduct a trial; that fact has effectively prevented it from adopting and pursuing an investigative role. It is interesting to note that the language that I refer to finds no counterpart in the

agreement between the Ministry of Housing and the Ombudsman which was approved by the Select Committee. Indeed, in that document, the word "adversarial" is used in an entirely different context.

In its Report to the Legislative Assembly dated March 28, 1977, the Select Committee has recommended in Part I that the Order-in-Council by which you were appointed be amended by removing the words which I have set out above with a view to permitting your Commission to conduct a full and exhaustive investigation of all relevant issues. The Select Committee, having observed your Commission's procedures at work, continues therefore to seek an investigation and not a trial.

Indeed, The Court of Appeal in its recent decision has emphasized that the function of your Commission must be very different from that of a court of law and that your approach cannot be legalistic or technical.

In short, I regretfully am obliged to say that the process which is underway before your Commission, is, in my view, quite inconsistent with the investigative approach that was contemplated by the signatories to the Minutes of Settlement, and has been made plain by the Report of the Select Committee. The Commission has not appointed Commission Counsel to assist it, nor indicated that it proposes to be governed by the provisions of Section 22 of The Ombudsman's Act.

My clients, who complained to the Ombudsman, anticipated that their complaints would be dealt with by the procedures fixed by The Ombudsman's Act. These procedures contemplate (1) hearings in camera, (2) the opportunity through the Ombudsman to review relevant Ministry Project files and (3) statutory assurance that a determination will be made by the Ombudsman who will have the opportunity to investigate and review not only their cases but the original or investigative material in the hands of the Ministry as well.

In my respectful submission the following matters are now clear and beyond doubt:

1. The Commission has indicated that it will not pursue an investigative inquiry but proposes to supervise a trial-like adversarial process in which the claimants are plaintiffs and the Ministry is defendant. It is now clear that this process cannot meet the investigative requirements established by the Select Committee or get to the heart of the important issues raised as to the mode of land acquisition in North Pickering.

2. It is apparent that different standards of procedure are being applied in this Commission of Enquiry on the one hand and Mr. Hoilett's investigation on the other. I agree with Mr. Humphrey's observation made in a letter to the Lieutenant Governor dated April 14, 1977 that the proceedings are "on a collision course".

3. The present proceedings before your Commission have become technical, incredibly expensive to the public purse and are excessively drawn out. It is apparent that

even if your Commission got underway immediately, its work could not be completed until the middle of 1978. It is easy to imagine a procedure that is more expeditious than this one and I have made my views known about this aspect of the matter in other quarters. If the Hoilett Enquiry procedures had been adopted and applied in your Commission it is quite possible that your work would now be nearing completion.

4. You have a copy of my letter to the Attorney General dated April 12, 1977. His reply to it indicates that the Lieutenant Governor in Council does not propose to meet the request of the Select Committee, nor the recommendations of Mr. Humphrey.

In summary, the establishment of a trial-like atmosphere, the absence of any investigative process, the double standard inherent in requiring certain claimants to submit to adversarial proceedings of a trial-like nature whereas others have the benefits of The Ombudsman's Act and the extraordinary delay and expense of these proceedings have so distracted my clients that they unanimously have instructed me to take no further proceedings on their behalf before your Commission of Enquiry. I concur in their decision.

In advising you of my instructions I am obliged to make perfectly clear that my clients do not in any sense withdraw the complaints that they have made which are disclosed in the Statement of Claim which you have required them to file; they lack confidence however in the procedures established by this Commission to carry forward its work. Particularly, they are not confident that those procedures will permit your Commission to do the investigative job that is contemplated by the Minutes of Settlement as approved by the Select Committee.

I have sent a copy of this letter to your colleague Roy Grant, Q.C. I have also taken the liberty of sending copies to Mr. Armstrong and Mr. Sopinka.

Yours very truly."

On May 24, 1977, the Commission reconvened with a tribunal composed of the Honourable Mr. J. F. Donnelly, Mr. R. M. Grant, Q.C., and Mr. Peter Marriott, Esq. On this occasion none of the former landowners nor any of their counsel were present before the Commission. The Commissioners heard submissions from counsel for the Ministry of Housing and counsel for the land acquisition agents. After a brief recess, the Commissioners returned and stated that they were seriously concerned about the submissions

made by counsel for the land acquisition agents concerning their request for a public forum in which to clear their names. After further discussion, the Commission adjourned indefinitely to permit the Commissioners to consider this request made by counsel on behalf of the former land acquisition agents. There was no discussion concerning any continuing obligation of the Commission to inquire and report into the complaints of the former landowners.

On June 16, 1977, the Ombudsman received the following letter from Mr. Ian J. Scott, Q.C., Counsel for the former landowners:

"Dear Mr. Maloney:

RE: North Pickering Project

In October, 1976, you appointed me to act as Counsel for certain former landowners in the North Pickering Project, whose cases were to come before a commission appointed pursuant to The Public Inquiries Act 1971, as a result of an agreement entered into between you and the Minister of Housing and approved by the Legislature's Select Committee on the Ombudsman.

I confirmed my acceptance of this appointment by letter dated November 1st, 1976. I also advised you that Mr. Chris G. Paliare of my office and Mr. John Collins would be associated with me as Junior Counsel.

Following my appointment, I met with all 28 landowners and advised them that I had been appointed by you and that I was available to act for them if they so desired. Each of them instructed me to act as their Counsel in this matter notwithstanding that it was made clear that they were perfectly entitled to retain other persons to advise and act for them instead if they wished.

Moreover, I have met with the former landowners from time to time and have attempted to keep them in touch with circumstances as they developed. We have, in addition, spent time interviewing each of them and other witnesses for the purposes of preparing their cases for submission to the Commission of Enquiry.

From the date of my appointment until our clients withdrew from participation in the Commission of Enquiry in May, 1977, I have expressed to you my serious concern about three broad areas:

1. the nature of the process to be conducted by this Commission of Enquiry;
2. the production of documents;
3. the hearing itself and the rules of evidence that the Commission of Enquiry intended to apply.

1. Nature of the Process

The Commission of Enquiry appointed by the Lieutenant Governor-in-Council is chaired by The Honourable Frank Donnelly. You have a copy of Orders-in-Council Nos. 2959/76 and 3545/76 and the Agreement approved by the Select Committee from which they derive.

Mr. Donnelly held an informal meeting of Counsel on November 4th, 1976. The minutes of that meeting indicate:

"The Chairman advised that the proceedings were to be conducted on an adversarial basis and invited discussion of which party should assume the position of plaintiff."

At the same meeting the following statement appears:

"At this point Mr. Scott asked the Commission to give a ruling that the fairness of the scheme adopted by the Ministry in effecting the various land acquisitions was a relevant topic of enquiry. Mr. L'Heureux (Counsel for the Ministry) in reply stated that the inherent fairness or unfairness of the acquisition process adopted by the Ministry did not appear to have been an issue to the Ombudsman's office."

Mr. Donnelly and the members of the Commission indicated that they would rule in due course whether this matter was within the subject matter of the Enquiry. A ruling on this matter was never made by the Commission. At no time would the Commission of Enquiry make it clear where the participants stood on this fundamental issue.

The exchange noted above together with a number of other indicia, such as the unwillingness of the Commission of Enquiry to appoint Commission Counsel, made clear that our primary fear was realized; namely, the Commission of Enquiry proposed to deal with a series of "mini-Supreme Court of Ontario" actions in which we were the plaintiffs and the Ministry were defendants; it was not prepared to conduct a thorough re-investigation of the land acquisition process established and carried forward by the Ministry as it affected our clients.

As you know the heart of the Agreement made by you and the Minister of Housing and approved by the Select Committee was that the claims referred to the Commission of Enquiry were to be thoroughly re-investigated. It became very clear to me that under the process established by the Commission of Enquiry this would not occur.

In addition, from the beginning we were concerned that the Commissioner of Enquiry should make clear to the public that it proposed, in assessing the propriety of the acquisition process, to apply the standards that you are obliged to apply by virtue of the provisions of The Ombudsman's Act. I was unable to persuade the Commissioners to indicate whether they were prepared to apply these standards or not. You will agree with me that any "investigation" which is based on standards less than those which are imposed by you under your statute would be far from adequate.

2. Production of Documents

You will recall that from the outset of this Enquiry, I have expressed to you and others my concern with respect to the attitude of the Ministry of Housing relating to the production of documents and other informational material. Since our clients had been cast in the role of plaintiffs, we requested copies of all documents in the possession of the Ministry of Housing which touched on the matters in issue.

The position of the Ombudsman was that copies of documents which he received during the course of his investigation could not be released to us because of the statutory prohibition in The Ombudsman's Act. The position of the Ministry on the other hand was simply to refuse to produce any documents.

I am glad to say that notwithstanding the most persistent opposition by Counsel for the Ministry of Housing, and due to the good offices of the Chairman and members of the Select Committee on the Ombudsman, we were able to obtain access to certain documents of the Ministry which were in the possession of the Select Committee. Thereafter, there was correspondence between the writer and Mr. Armstrong, Counsel for the Ministry, designed by me to achieve, if possible, full disclosure of all relevant documents and other information in the hands of the Ministry so that the claimants' case could be put fairly and fully before the Commission of Enquiry. A certain amount of this correspondence was brought to the attention of the Chairman of the Select Committee.

Indeed, as you will recall, when the first impasse was reached, I wrote to you by letter dated December 14th, 1976 outlining the difficulties that had arisen in the prosecution of the brief that you had left in my hands. I attach a copy of that letter and the enclosed copy of my letter to Counsel for the Ministry.

I am also enclosing a copy of a letter I wrote to the Chairman of the Select Committee on the Ombudsman dated December 23rd, 1976 and a further letter to him dated January 7th, 1977. As I have noted above, the Chairman and members of the Select Committee on the Ombudsman were able to require the Ministry to make documents available to me and it was therefore possible to proceed before the Commission of Enquiry. We filed the appropriate "Statements of Claim" insisted upon by the Ministry of Housing and required by the Chairman of the Commission of Enquiry and began to lead evidence.

3. The Hearing Itself and the Rules of Evidence

The Commission of Enquiry had no sooner begun to hear evidence when additional problems arose about the nature of the process before it and the possibility that a full and thorough Enquiry would not be achieved. I am enclosing for example a letter I was obliged to write to the Chairman of the Select Committee of the Ombudsman, dated January 24th, 1977, which sets out a number of the problems that confronted us.

You will, in particular recall that we had hardly commenced to examine Mrs. Dinsmore in-chief as the first claimant, when a series of objections were raised by Counsel for the Ministry and Counsel for the Land Acquisition Agents as to the admissibility of questions put to her and the propriety of information that she sought to put before the Commission. While such objections were not foreign to a Counsel experienced in technical adversarial litigation, in my respectful judgment, the objections made and adopted by a majority of the Commission threatened to abort the Commission of Enquiry and to render the possibility of a full and fair hearing of the complainant's case unlikely. We were, therefore, obliged to ask the Commission of Enquiry to state a case to the Divisional Court. I am providing to you a copy of the Reasons for Judgment of The Honourable Mr. Justice Southey and The Honourable Mr. Justice Reid for the Divisional Court. The Land Acquisition Agents appealed from the Order of the Divisional Court to the Court of Appeal for Ontario. The appeal was heard on February 22nd, 1977. I am enclosing a copy of the Reasons for Judgment of The Honourable Mr. Justice Howland for the Court of Appeal for Ontario.

As you can see, from the very beginning, the chances of a full and fair Enquiry before the Commission of Enquiry were bedevilled by its reliance on the so called "requirement" that the proceedings be "adversarial", that we be the plaintiffs, that Statements of Claim be delivered, etc., etc. The mires of adversarial litigation threatened to swallow and thus abort any real possibility of "re-investigation" as contemplated by the Select Committee.

Indeed, the Select Committee which had been observing the process felt obliged to deal with it in its Report dated March 28th, 1977 to the Legislature. I am enclosing herewith a copy of Part I of that Report which, Mr. Grossman dissenting, sets out the recommendation of the otherwise unanimous Select Committee. I was hopeful that the Attorney General for Ontario would recommend to his colleagues that the Order-in-Council establishing the Commission of Enquiry should be amended as recommended by the Select Committee, and indeed I invited him to do so. I was anxious that that amendment would be made because I saw such an amendment as removing the "log jam" which had created an overly technical approach to the resolution thus permitting a fuller hearing. I am providing to you a copy of the letter that I wrote to Counsel for the Ministry, dated April 4th, 1977.

I regret to say, however, that the government, in fact, elected not to amend the Order-in-Council. It follows that the expectations of the majority of the Select Committee with respect to our Commission of Enquiry could not therefore be met. Shortly thereafter one of the Commissioners, Mr. Humphrey, resigned for reasons that he made public in a letter to the Lieutenant Governor. The whole process was, strange to say, brought full circle shortly thereafter by the re-appointment in Mr. Humphrey's stead of Mr. Peter Marriott whose resignation had led to Mr. Humphrey's appointment in the first place.

In view of all of these circumstances I felt obliged to review the entire matter again with my clients. As a result I was unanimously instructed by them to take no further proceedings on their behalf before the Commission of Enquiry. On their behalf I wrote to the Commission of Enquiry by letter dated May 17th, 1977, a copy of which is enclosed. That letter makes clear that my clients do not in any sense withdraw the complaints that they, or some of them, originally filed with your office. They were anxious to make it plain, however, that they entirely lacked confidence in the procedures established by the Commission to carry forward its work. In particular, they lacked confidence that those procedures would permit the Commission to do the investigative job that is contemplated by the Minutes of Settlement approved by the Select Committee. As I have noted in my letter to the Commission, my clients were particularly troubled that their complaints should be determined by a different process and measured by different standards than their former neighbours whose cases were being investigated by Mr. Hoilett's Enquiry.

The purpose of writing to you and reviewing the history of the matter to date, therefore, is to request that you exercise your powers pursuant to the provisions of The Ombudsman's Act and cause an investigation, or a further investigation, to be made of the complaints that we have brought to your attention respecting the administration of the land acquisition process and, in particular, the acquisition of the properties of our clients as a result of the implementation of the North Pickering Project.

I assume that you will be in a position to treat this letter as a complaint made on behalf of my clients pursuant to Section 17 of The Ombudsman's Act. If you should require further details or other information however, we stand ready to make it available to you and to give you any assistance you may require.

Yours very truly."

As a result of Mr. Scott's request in the above letter, the Ombudsman wrote the following letter dated June 27, 1977, to The Honourable John Rhodes, Minister of Housing:

"Dear Mr. Rhodes:

Re: North Pickering Project

I have received a letter dated June 16th, 1977, sent to me by Mr. Ian Scott, Q.C., counsel for the 28 landowners whose cases were referred to the Commission presided over by the Honourable Frank Donnelly. I am enclosing a copy of that letter.

You will recall as Mr. Scott points out on page 6 of his letter that on the instructions of his clients, he advised that he would take no further proceedings on their

behalf before the Commission of Inquiry for reasons stated in his letter to the Commission of May 17th last. As Mr. Scott points out in his letter to me, again on page 6, "that letter makes clear that my clients did not in any sense withdraw their complaints that they, or some of them, originally filed with your (the Ombudsman's) Office".

Mr. Scott in his letter to me states on pages 6 and 7 as follows:

"The purpose of writing to you and reviewing the history of the matter to date, therefore, is to request that you exercise your powers pursuant to the provisions of The Ombudsman's Act and cause an investigation, or a further investigation, to be made of the complaints that we have brought to your attention respecting the administration of the land acquisition process and, in particular, the acquisition of the properties of our clients as a result of the implementation of the North Pickering Project."

If I were to act in accordance with past practice and in the way I apprehend my duty I would grant Mr. Scott's request and reopen this investigation in which Mr. Sopinka's clients - five land acquisition agents - would be given every right to be heard and to be represented by counsel. This, indeed, is what I am disposed to do.

The problem that confronts me, however, is whether or not I have jurisdiction to do so in view of the compromise entered into between you and me on the 1st of October, 1976 to which agreement, admittedly Mr. Scott's clients were not parties. I would, therefore, like your views on the question of my jurisdiction. I am sending copies of this letter to the Attorney General and to the Premier to invite their opinions as well.

As you know after the resignation of Mr. David Humphrey from the Commission I suggested in a letter to Dr. E. E. Stewart, Deputy Minister and Secretary of the Cabinet, dated May 6th, 1977 that:

'In the light of what has transpired I would still continue to hope that the Minister of Housing, the Government and I can reconsider this matter and devise a method of inquiry that will be more expeditious, less costly and more just to all concerned.'

In view of the immense saving of time and costs that might possibly be achieved it is my view we should consider again the advisability of further discussions about the course that ought now to be followed.

Yours faithfully."

Understandably, a reply has not yet been received to this letter.

On June 30th, 1977, the Ombudsman received the following notice from the Commission Registrar, Mr. Les Hiscoke:

"IN THE MATTER OF THE PUBLIC INQUIRIES
ACT 1971, S.O. 1971, Ch. 49

AND IN THE MATTER OF A COMMISSION OF
INQUIRY INTO THE ACQUISITION BY THE
MINISTRY OF HOUSING OF CERTAIN LANDS
IN THE COMMUNITY OF NORTH PICKERING

NOTICE OF RESUMPTION OF HEARINGS

Take notice that the Commission of Inquiry into the Acquisition by the Ministry of Housing of certain lands in the Community of North Pickering will resume its hearings at 11:00 a.m. on Wednesday, the 3rd day of August, 1977 at the Commission offices, Suite 1106, 11th Floor, 18 King Street East, Toronto, to consider, recommend and report in relation to

(I) the overall merits of claims for additional compensation of

- (a) cases placed in dispute by the reply of the Minister of Housing of the 31st day of August, 1976, to the report of the Ombudsman on the North Pickering Project;
- (b) any other cases handled by any of the five agents, Applicants in the motion instituted before the Divisional Court relative to allegations of misconduct contained in the said report of the Ombudsman;

such merits of claims shall include but not so as to limit the generality of the foregoing, all circumstances of each particular case including any misleading statements, inadequate appraisals or misunderstandings based upon reasonable grounds in the circumstances of the particular case.

(II) where entitlement to additional compensation has been recommended in the discretion of the Commission, to determine the amount, if any,

of such additional compensation, having regard for such merits and taking into account any benefit or profit derived from the use of compensation paid on the original sale between the date of such sale and the date hereof.

- (III) and also to inquire into, consider and report in relation to what allegations of misconduct are made against

Terry Bortolotti
James Gilhespie
William Thompson
Joseph Kuzik
J. E. Spafford

in the report of the Ombudsman and as to whether or not such allegations, if any, are justified.

You are entitled to attend in person or by counsel and take notice that if you fail to attend either personally or through counsel you will not be entitled to any further notice of any proceedings before the Commission, and the Commission may proceed to hear and determine the matters referred to it by Order-in-Council numbers PC 2959/76 as amended by Order-in-Council OC 3545/76 and further amended by Order-in-Council OC 1389/77, without further notice to you.

Dated at Toronto, this 28th day of June, 1977"

This notice was sent to all parties involved in the North Pickering Commission hearings.

OMBUDSMAN'S COMMENTS

I am greatly alarmed by the developments that have transpired, as outlined in this chapter, in connection with the hearing before the Commission which was appointed to inquire into the acquisition of lands by the Ministry of Housing in North Pickering. It was certainly my intention when I entered into the Agreement with the Minister of Housing that both the hearing before Mr. Hoilett and the Commission hearing would be full, complete and far-reaching inquiries into the manner by which land was acquired by the Ministry of Housing in North Pickering.

It was never intended by me that strict adherence to the rules of evidence appropriate to trials of civil and criminal cases should ever be required during either of these inquiries. It was always my intention that the hearing before the Commission should be conducted in the traditional way of Royal Commissions. The mandate of both hearings was that the entire North Pickering enterprise should be studied and ultimately commented on, because this is the background against which the merits of the former landowners' claims must be adjudicated.

The clear duty imposed upon both hearings by the Agreement entered into between the Minister and me and the subsequent Order-in-Council which created the Commission was not to pass judgment on my report concerning the North Pickering Project but to re-investigate the entire matter.

Insofar as the five land acquisition agents who were the applicants to the Divisional Court are concerned, the duty of the Commission in my view is to determine what allegations, if any, are contained in my report and then, if having determined that there are such allegations, to decide in light of all the evidence and the total background whether such allegations were justified.

The hearings that are being conducted before Mr. Hoilett pursuant to Section 20 of The Ombudsman Act, 1975, have been proceeding with efficiency and expedition and in conformity with the real intent of the Agreement entered into between the Minister of Housing and me. The public inquiry, on the other hand, has proven to be a total disaster. The cost of this inquiry, so far totally abortive, is such that the taxpayer should feel immense

concern.

It is my view that the Commission as it is presently constituted should be disbanded forthwith and a workable alternative remedy should be arrived at by the Minister of Housing and me, so as to enable justice to be done to those who are established to have suffered hardship as a result of the land acquisition procedure in North Pickering.

Simple justice demands that this action be taken forthwith.

CHAPTER THREE

COMPREHENSIVE STATISTICAL SUMMARY

LIST OF TABLES

Table Number

1	INFORMATION SYSTEM
2	COMPLAINTS BY REGION AND ONTARIO ELECTORAL DISTRICT
3	REGIONAL COMPARISON OF COMPLAINTS AND POPULATION
4	COMPLAINTS AND POPULATION BY RURAL/ URBAN DESIGNATION
5	COMPLAINT FILE OPENINGS AND COMPLAINT FILE CLOSINGS BY MONTH
6	COMPLAINT FILE CLOSINGS BY DURATION CATEGORY
7	AVERAGE DURATION DAYS TO CLOSING BY MONTH
8	MONTH OPENED/MONTH CLOSED CALENDAR YEAR PROFILE
9	COMPLAINTS BY ORGANIZATION
10	CONTACTS BY ORGANIZATION
11	COMPLAINT FILE ASSIGNMENTS AND FILE CLOSINGS BY DIRECTORATE
12	OUTSIDE JURISDICTION COMPLAINTS BY REASONS
13	OUTSIDE JURISDICTION COMPLAINTS BY ORGANIZATION AND REASONS
14	INQUIRY LEVEL INVOLVEMENT IN OUTSIDE JURISDICTION COMPLAINTS
15	AVERAGE DURATION TO CLOSING BY MONTH AND BY JURISDICTIONAL DETERMINATION
16	FINAL ACTION ANALYSIS/ASSISTANCE TO COMPLAINANTS
17	FINAL ACTION/AVERAGE DURATION TO CLOSING

Table Number

18	COMPLAINT SETTLEMENT STATUS
19	COMPLAINT SETTLEMENT RESULT BY ORGANIZATION
20	COMPLAINT DISPOSITION SUMMARY
21	DEFINITION OF TERMS

Chapter Six of the First Annual Report of the Ombudsman provided a comprehensive statistical summary of the complaint-related activities of the Office of the Ombudsman for the period May, 1975, to July 10, 1976.

This Second Report provides a comprehensive statistical summary covering the period from July 11, 1976, to March 31, 1977. In addition, this chapter provides a description of the information system's capabilities which have been developed and are continuing to be developed further to meet the needs of the Office of the Ombudsman.

DESCRIPTION OF THE SYSTEM

The development of both manual and computer systems has focused on three basic information objectives or needs, namely:

- (i) Communications objectives:
 - to provide the statistical information required to communicate and report upon the activities of the Office of the Ombudsman to the Legislative Assembly, the appointed officials of government, and the public.
- (ii) Research objectives:
 - to provide the information required to conduct research which facilitates complaint inquiries and investigations.
- (iii) Management objective:
 - to provide the information required by our senior staff to facilitate internal reporting and decision-making responsibilities.

The first objective serves needs which are resident outside the Office of the Ombudsman whereas the latter two objectives arise from internal needs. . Almost without exception, the major categories of information which are being collected within the system serve to meet all three objectives.

For example, the number of complaints directed at various organizations as shown in Table Nine is important with respect to the needs of the Members of the Legislative Assembly, the appointed officials of government, the Public, and the Ombudsman.

The following paragraphs describe in greater detail the underlying considerations and capabilities which have been developed to meet these three objectives.

Notwithstanding the duty of confidentiality imposed upon the Office by The Ombudsman Act, 1975, the "communications objective" of the system is an acknowledgement of an obligation to provide information of sufficient scope and detail to open a window on the workings of the Office of the Ombudsman. Reports to the Legislature must contain information which facilitates the evaluation of the performance of the Office against general standards. Thus, this report and the First Annual Report describe the substance of each closed complaint as well as delineating categories of complaints on the basis of factors such as the jurisdiction, the organizational determination, the settlement result, the Directorate assignment within the Office of the Ombudsman and the average duration to closing of a complaint file.

The "research objective" of the system is to provide information which assists complaint inquiries and investigations. Developments to date have focused on the Investigators needs to relate an active complaint to complaints that have been investigated and closed in the past. The "keyword" documents which afford this capability provide an abstract of the complaint substance of all previously closed files, an organizational determination, and the appropriate file numbers.

The investigative process is thus, assisted and made more efficient to the extent that each new investigation can benefit from precedents, both in terms of the Ombudsman's posture and the posture of the "governmental organization" as determined in the course of a previous investigation.

In addition, the "keyword" documents facilitate the assembly of information relating to classes of complaints for major reports.

The "management objective" of providing information to facilitate internal reporting and decision-making responsibilities requires the development of information systems incorporating performance indicators appropriate to an Ombudsman operation. The development of management reports has been aimed at providing the Office of the Ombudsman with the capability to measure and evaluate ongoing performance. The overall result is an internal operational review capability.

The information shown in this chapter provides the basis for this operational review capability. As an example, one

important measure of the Office's performance, both for internal purposes and from the Public's perspective, is the number of duration days between the receipt of a complaint and the completion of the Ombudsman's investigation or inquiry. When the duration is related to other factors such as the month the complaint file was closed, the jurisdictional determination and the extent of the action taken, it provides one basis for determining the level of service being provided to the citizens of Ontario by the Office of the Ombudsman.

Table One outlines the basic elements of our information system from the opening of the complaint file through to the stage where reports are issued.

The critical point in terms of the information shown in this chapter is the data assembly and analysis stage. The multitude of complaint fact situations reflected in both the detailed summaries and the line summaries dictate that some determinations, of necessity, require arbitrary decisions on our part in order to classify a complaint. For example, it is not uncommon for a complaint to relate, in varying degrees, to more than one organization. In some cases it is appropriate to categorize the complaint under one organizational heading. However, in other cases the facts suggest that it is more appropriate to assign the complaint to more than one organization. Arbitrary judgements will remain an inherent aspect of the information collection process even though the categories may be refined and restructured from time to time.

The major change for this Second Report is the use of the same terminology for the purposes of the statistics and the line summaries. This time the line summaries have been assembled and printed on a computer. The following is a listing which shows the changes in terminology.

<u>First Report</u>	<u>Second Report</u>
1. Not Supported	"assisted resolution in favour governmental organization"
2. Rectified	"assisted resolution in favour complainant"
3. Independently Resolved	"independently resolved in favour complainant"
4. Referred	"referred" or "inquiry made/referred"
5. Info/advice given	"advice given" or "explanation given"
6. Abandoned	"abandoned" or "withdrawn"
7. Discontinued	"refused to investigate or further investigate"
8. No Assistance Possible	"no solution identified"

When the line summary result reads "inquiry made", this result incorporates either "advice given" or "explanation given".

The complaint settlement result previously described as "independently resolved" has been changed to "independently resolved in favour complainant". A new settlement result category, "recommendation denied", has been included to describe situations where a formal recommendation pursuant to Section 22(3) of The Ombudsman Act, 1975, was not accepted by officials of a "governmental organization".

COMPLAINT RECEPTION

HOW MANY COMPLAINTS WERE RECEIVED?

From July 11, 1976, to March 31, 1977, we received 4,989 complaints for which we opened files. This figure does not include approximately 7,000 (10,000 per annum) telephone inquiries received by the Office for which we do not open a file. In comparison with the 14 month period covered by the First Annual Report, the average number of complaints received per month has increased from 379 complaint to 554 complaints. Based on this average, the Office is now receiving complaints at the rate of 6,600 per annum. Therefore, on an annual basis, the Office is receiving over 16,000 citizen inquiries and complaints.

HOW WERE COMPLAINTS RECEIVED?

70% by mail

10% by office interview

20% by hearing interview

In comparison with the period covered by the First Annual Report, the percentage of complaints received by interviews at our private hearings increased from 10% to 20%.

DID COMPLAINTS COME FROM ALL REGIONS OF THE PROVINCE?

Yes. Table Two shows the number of complaints received from each region and electoral district. In addition, Table Two outlines the relationship between the number of complaints

and the population of the region and electoral district. Each electoral district has been assigned the letter (R), (U), or (M), depending on whether the preponderance of the population reside in a rural (R) or urban (U) locale. Where neither the rural nor the urban population exceeds 66%, the electoral district has been designated as mixed (M). As noted in the First Annual Report, there were a relatively high number of complaints originating from constituencies where a correctional facility is located. These constituencies are identified by an asterisk.

The relationship between the regional population and the number of complaints is shown in Table Three. The information shown in this Table does not differ dramatically from the complaint-to-population ratios contained in the First Annual Report. Region Nine, "Ontario North", had the highest complaint-to-population ratio and was the source of more complaints (669) than any other region, even though the region has the least accessibility to Toronto. Region Two, "Toronto-Suburbs", continued to have the lowest complaint-to-population ratio. Region Six, "Toronto North-East Corridor", had the largest percentage increase (65%) in complaints as compared with the previous report.

Our private hearings in these areas were likely the most important contributing factor to the increased number of complaints from these regions.

Table Four shows, again, that the population-to-complaint percentage ratio remained roughly 1:1 irrespective of the rural

or urban character of the electoral district. The group of electoral districts described as "mixed" did not follow this pattern to the extent that these constituencies, while comprising 12.9% of the Ontario population, accounted for 20.5% of the complaint files closed during the reporting period. This imbalance is likely attributable to the impact of private hearings which took place in the constituencies of Kenora, Simcoe-Centre and Simcoe-East. For example, the number of complaints received from Kenora increased from 43 to 109 as a result of over 90 hearing interviews conducted in the communities of Dryden, Sioux Lookout and Red Lake during November, 1976.

The following chart shows that the complaint-to-population ratios of individual urban centres varied even though the overall complaint-to-population ratio for all urban constituencies was roughly 1:1.

URBAN CENTRES/COMPLAINT
TO POPULATION RATIOS

Urban Centre	<u>% Complaints</u> <u>% Population</u>
London	.60
Ottawa	.49
Thunder Bay	.87
Toronto-Centre	1.04
Toronto-Suburbs	.51
Windsor	.42

COMPLAINT CLOSINGS

HOW MANY COMPLAINT FILES WERE CLOSED?

During the period from July 11, 1976, to March 31, 1977, 4,463 complaint files were closed. The number of complaint files closed on a monthly basis averaged 495 or 94% higher than during the period covered by the First Annual Report. An analysis of these closed files indicates that there were 613 instances where the complainant's concern involved more than one discernable complaint. These multiple-complaint situations explain why the disposition statistics and the line summaries exceed the number of closed files. In addition, it should be noted that 421 files closed involved new complaints from citizens whose complaints were included in the First Annual Report.

Table Five presents a month-by-month complaint workload profile. For all months covered by this report, the number of complaint file openings exceeded the number of complaint file closings. As a result, the number of complaint files in progress as of March 31, 1977, was 2551 or 38% higher than at the beginning of the reporting period. The growth in the backlog has continued to develop notwithstanding the significantly higher monthly rate of complaint file closings as compared with the previous reporting period.

HOW LONG DOES IT TAKE TO
CLOSE A COMPLAINT FILE?

A review of 4463 files closed during the reporting period indicates that the average time between the opening and the closing of a complaint file was 75 days. The average duration to closing for complaints that were within the Ombudsman's jurisdiction was 104 days. The average duration to closing for complaints that were outside the Ombudsman's jurisdiction was 57 days.

The majority of complaints, 75 percent, were closed within 90 days. A significant percentage, 46% of all closed complaints were completed within one month. Only 41% were completed within one month during the period covered by the First Annual Report. However, in comparison with the previous reporting period the average duration to closing has been increased from 63 days to 75 days. This increase was caused by the larger number of complaints which required between nine months to one year and more than one year to complete. The First Annual Report showed 43 complaint files requiring more than nine months to close. Table Six shows that there were 309 complaints included in this report which required more than nine months to complete.

The First Annual Report explained that the number of duration days required to complete a complaint depended on three factors; the complexity of the complaint, the co-operation of parties contacted during the investigation of the complaint, as well as the other work expended by our staff. The first two factors are beyond our control. The latter factor is largely

dependent on the availability of staff. In many instances where a lengthy investigation occurs because of the impact of these factors, the duration of the investigation could not have been foreseen.

Table Seven shows the relationship between the month in which the complaint file was closed and the average number of duration days to closing for the month's group of complaints.

Table Eight provides an overview of the complaint file closings for the entire reporting period. For instance, of the 542 complaint files opened in November, 1976, 60 were closed in January, 1977.

COMPLAINT ASSIGNMENT

HOW MANY CLOSED COMPLAINT FILES WERE WORKED ON BY EACH DIRECTORATE?

All complaints received by the Office of the Ombudsman are assigned to an appropriate Directorate for action. The assignment of a complaint file is based on considerations relating to the Ombudsman's jurisdiction, the organization to which the complaint is directed, and the substance of the complaint.

Table Eleven shows the number of complaints assigned to each Directorate and the number of complaints closed by each Directorate.

The Directorate of Communications and the Directorate of Administration are excluded from the Table on the basis that they do not work directly on complaints. The Ombudsman and his

immediate staff are also not shown on the Table since they are involved with virtually every complaint. The numbers in brackets on the Table represent the number of complaints worked on solely by the Directorate shown at the top of the column. The remaining figures in the column represent the complaints worked on in combination with other Directorates.

The distribution of the workload to the Directorates does not differ significantly from the pattern described in the First Annual Report. However, the number of complaint files closed by the Directorate of Rural, Agricultural and Municipal Services increased from 57 complaints to 142 complaints because unlike the previous reporting period, this Directorate was in existence throughout this entire reporting period. The Legal Directorate continued to close the largest number of complaints. This is a result of this Directorate having responsibility for dealing with the large number of complaints which are found to be outside the Ombudsman's jurisdiction.

The Directorate of Institutional and Special Services also continued to have a relatively high complaint load because of the responsibility dealing with complaints involving correctional centres, jails, psychiatric hospitals and the Workmen's Compensation Board. In addition, as shown in Table Eleven, there continued to be a considerable degree of interaction between the Directorates. The complexity of the complaint necessitated the involvement of more than one Directorate in 26% of the complaint file closings.

ORGANIZATIONS

WHICH GOVERNMENT AND PRIVATE ORGANIZATIONS WERE INVOLVED WITH THE COMPLAINTS RECEIVED?

Table Nine shows the number of complaints relating to each organization as well as the number of complaints which fell into each jurisdictional category. Table Ten shows the frequency with which organizations were contacted by our staff.

The organizations were grouped into six major categories:

- I Government of Ontario
- II Courts
- III Federal Government
- IV Private
- V Municipalities/Local Authorities
- VI Other Provinces
- VII International
- VIII No Organization Specified

The percentage of complaints in each major category does not differ significantly from the pattern described in the First Annual Report. The Ministries, Agencies, Boards and Commissions of the Government of Ontario were involved with 2671 or 52% of the 5076 closed complaints. Complaints involving private businesses, associations, groups and individuals accounted for 22% of the closed complaints. In addition, Municipalities/Local Authorities accounted for 10% of complaints and the Federal Government accounted for 8% of complaints.

Table Nine shows that complaints directed against the Ministries and Agencies of the Government of Ontario were

concentrated within a few organizations. The Ministry of Correctional Services accounted for 38% of these complaints and The Workmen's Compensation Board accounted for 18%. The 10 organizations with 50 or more complaints accounted for 2256 or 84% of such complaints.

COMPLAINT DISPOSITION

HOW DID YOU DISPOSE OF COMPLAINTS?

The disposition of all complaints was reviewed on the basis of the following categories:

- (i) Jurisdiction
- (ii) Final Action
- (iii) Settlement

The following sections provide a detailed explanation of each category. All complaint disposition figures are based on an examination of 5076 complaints dealt with during the reporting period.

(i) Jurisdiction

HOW MANY COMPLAINTS WERE WITHIN YOUR JURISDICTION?

There were 1827 complaints within our jurisdiction as defined by The Ombudsman Act, 1975. This represents an increase from 26 % to 36% when compared with the period covered by the First Annual Report. In addition, there were 3230 or 63% of the complaints which were beyond our jurisdiction. As a result of complaint withdrawals and abandonments, there were 19 instances

where a jurisdictional determination was not possible.

WHY WERE COMPLAINTS OUTSIDE YOUR JURISDICTION?

The Ombudsman Act, 1975, excludes from our jurisdiction complaints where one or a combination of the following conditions exist:

- (i) The complaint does not pertain to decisions of a "governmental organization" of the Province of Ontario.
- (ii) The complainant is not affected in his or its personal capacity.
- (iii) The complaint pertains to deliberations and proceedings of the Executive Council.
- (iv) The complaint pertains to a decision of a person acting as a legal advisor or counsel to the Crown in any proceedings.
- (v) The complaint pertains to decisions involving judges of the functions of any court.
- (vi) The complaint is premature because it pertains to matters where a right of appeal on the merits has not expired or been exercised.
- (vii) The complaint pertains to matters within the jurisdiction of the Federal Government, municipal governments, or other provincial governments.
- (viii) The complaint pertains solely to private matters.

Table Twelve provides a summary of the complaints that were outside our jurisdiction. Complaints of a private nature were the most common "outside jurisdiction" complaint. There were 846 "outside jurisdiction" complaints involving other levels of government. Approximately 50% of these complaints involved municipal and local authorities. Premature complaints involving situations where a right of appeal had not expired or been exercised comprised 23% of all "outside jurisdiction" complaints.

Table Thirteen focuses on Ministries, Agencies and other organizations of the Government of Ontario. The Table shows the number of complaints that were outside our jurisdiction in relation to the "outside jurisdiction" reasons described in the previous paragraphs. The above-mentioned premature complaints occur with almost every organization identified on this Table. The Workmen's Compensation Board continued to be the major source of premature complaints.

We were able to provide assistance in 2968 or 97% of all "outside jurisdiction" complaints. This assistance arose in the course of explaining or clarifying a complainant's situation, providing advice, or by directing the complainant by means of a referral. In 78% of all "outside jurisdiction" complaints the assistance was provided by means of a referral. There were 543 complaints where our staff felt that it was necessary to make inquiries in order to refer the complainant to the most appropriate organization or agency.

(ii) Final Action

WHAT FINAL ACTION DID YOU TAKE ON COMPLAINTS?

We have defined nine action categories:

- (i) "Listen"
- (ii) "Explain"
- (iii) "Advise"
- (iv) "Refer"
- (v) "Inquire/Refer"
- (vi) "Inquire"
- (vii) "Informal Recommendation"
- (viii) "Formal Recommendation"
- (ix) "Refuse to Investigate or Further Investigate"

These action categories differ somewhat from the categories used in the First Annual Report. "Inquire/Refer" has been added in order to distinguish between referrals which require an inquiry and referrals which can be made without an inquiry. The former "Recommendation" category has been divided into two categories in order to distinguish a "Formal Recommendation" under Section 22 of The Ombudsman Act, 1975, from a constructive suggestion or "Informal Recommendation" arising from situations where the application of Section 22 would not, in the Ombudsman's view, be appropriate. In addition, the former "Decline Action" category has been changed to "Refuse to Investigate or Further Investigate".

Table Sixteen shows the number of closed complaints in each category. The "Refer" and "Inquire/Refer" action categories have the largest number of complaints due to the frequency with which these actions coincide with the 3230 "outside jurisdiction" complaints. Assistance is provided to complainants in all action categories except "Listen" and "Refuse to Investigate or Further Investigate". On this basis, 92% of all complainants received assistance. Table Sixteen shows the action related assistance from a jurisdictional viewpoint.

Table Seventeen relates the final action to the average duration to closing. All categories show an increase in the average duration when compared with the previous reporting period. This increase in the average duration is attributable, in large measure, to the closing of complex complaints that could not have been closed during the period covered by the First Annual Report.

(iii) Settlement

- (i) HOW MANY COMPLAINTS WERE RESOLVED?
- (ii) HOW MANY RESOLVED COMPLAINTS WERE
SETTLED IN FAVOUR OF THE COMPLAINANT?

The first question is directed at the settlement status of the complaint, that is, did the complaint reach the stage where the issue was resolved? The 1381 resolved complaints comprise 27% of the 5076 closed complaints. This figure represents a 6% increase over the comparable figure in the First Annual Report.

From July 11, 1976, to March 31, 1977, the Ombudsman's Office assisted in the resolution of 1021 complaints or 74% of resolved complaints. There were 360 independently resolved complaints. The Ombudsman's Office assisted in the resolution of 75% of the complaints involving "governmental organizations" within the meaning of The Ombudsman Act, 1975. Table Eighteen shows the number of complaints which fall into the categories of complaints which could not be resolved.

The second question focuses on the settlement result. There were 767 complaints or 55% of the resolved complaints which were settled in favour of the complainant. There were 610 complaints or 45% of the resolved complaints which were settled in favour of the organization complained against. In addition, there were 4 complaints where a formal recommendation was denied. Table Nineteen relates the settlement result to the organization involved.

The sequence of events leading to a resolved complaint, which may be settled either in favour of the complaint or in favour of the "governmental organization", varies from complaint to complaint.

The multitude of fact situations which precipitate a complaint can be appreciated through the variety of complaints shown in the line summaries and the complaints described in the detailed summaries. As explained previously, many of these complaints give rise to factors which preclude a complaint resolution. For example, the complaint may be abandoned,

withdrawn or circumstances may change in the course of an investigation. In most instances, an "outside jurisdiction" complaint is not resolved. However, there are 90 closed complaints included in this report in which an "outside jurisdiction" determination did not prevent a complaint resolution. All of these complaints were resolved in favour of the complainant. The following paragraphs describe patterns of complaint resolution applicable to complaints that are within the jurisdiction of the Ombudsman.

A complaint which is resolved in favour of the "governmental organization" always coincides with a "Not Supported" decision by the Ombudsman.

A decision by the Ombudsman not to support a complainant's allegation is always made pursuant to a thorough investigation. Thus, the complaint is resolved to the extent that the Ombudsman has made a decision. However, the complainant may feel that the problems which precipitated the complaint to us continue to exist. In unusual situations, it is possible to have a "Not Supported" decision coincide with a "Favour Complainant" settlement.

This results when the Ombudsman puts forth a constructive suggestion or "Informal Recommendation" on behalf of the complainant which is acceptable to officials of the organization complained against even though the Ombudsman has decided not to support the complainant's allegations.

The pattern for complaints resolved "In Favour of the Complainant" is more varied. In circumstances where the crux of the complaint is a lack of knowledge on the part of the complainant, it is possible, as a result of information gathered during our inquiries, to provide the complainant with a detailed explanation of his circumstances which satisfies him insofar as he feels the complaint has been resolved in his favour. In these situations, it is not necessary for the Ombudsman to arrive at a decision with respect to the supportability of the complainant's allegations. In other cases, the investigative process brings to light a fact that was not known to officials of the organization complained against and when this fact is communicated to these officials a settlement proposal satisfactory to the complainant is reached. These two situations explain why the number of "Supported" complaints is less than the number of complaints resolved in favour of the complainant.

However, in a significant number of cases, the Ombudsman is required to pursue a settlement result by means of either an "Informal Recommendation" or a "Formal Recommendation" pursuant to Section 22(3) of The Ombudsman Act, 1975. The acceptance of either type of recommendation by officials of an organization complained against leads to a "Favour Complainant" settlement result. The denial of an "Informal Recommendation" leads to a "Favour Governmental Organization" settlement result. However, the denial of a "Formal Recommendation" is expressed as a "Recommendation Denied" result.

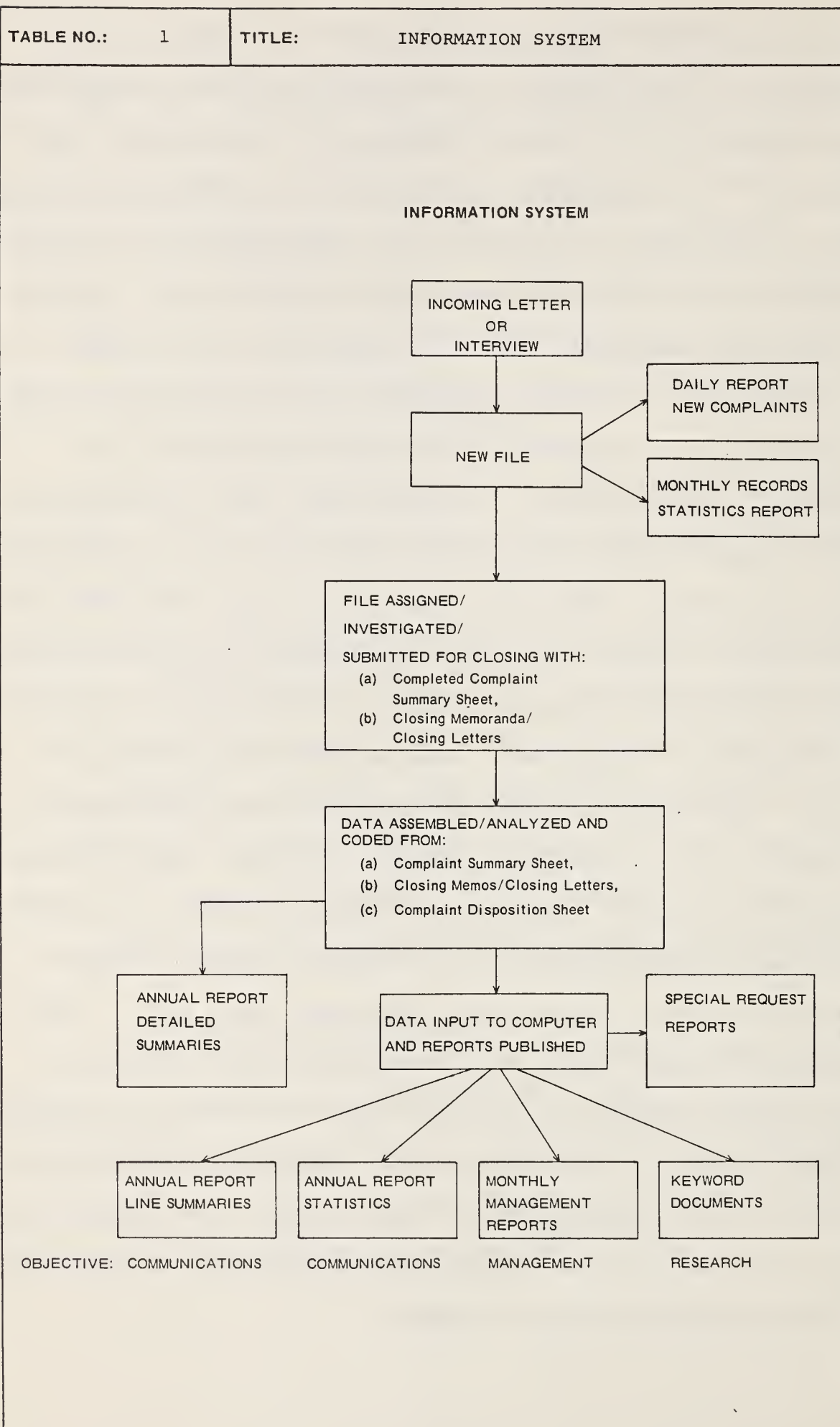




TABLE NO.: 2 (ii)		TITLE: COMPLAINTS BY REGION AND ONTARIO ELECTORAL DISTRICT	
		<u>REGION</u>	
<u>NUMBER</u>		<u>NAME</u>	
1		Toronto-Centre	
2		Toronto-Suburbs	
3		Golden Horseshoe	
4		Ontario West-Central	
5		Ontario Western-Ring	
6		Toronto North-East Corridor	
7		Ontario North-Central	
8		Ottawa-East	
9		Ontario North	
Note: The designations below apply to the schedules found in this table. (1) An asterisk *- indicates a constituency where a Ministry of Corrections facility is located. (2) The notations (R), (U) or (M) designate the constituency as (R) Rural, (U) Urban or (M) Mixed Urban-Rural. Population figures are based on the number of names on the polling list as taken from Pages 26-29 "1975 Ontario Election Summary From The Records". (3) This table is based on 4121 closed files where a constituency determination could be made.			

TABLE NO.: 2 (iii)		TITLE:		COMPLAINTS BY REGION AND ONTARIO ELECTORAL DISTRICT	
REGION ONE: TORONTO CENTRE					
CONSTITUENCY	POPULATION	NUMBER OF OF COMPLAINTS	PERCENTAGE OF REGIONAL POPULATION	PERCENTAGE OF REGIONAL COMPLAINTS	
Beaches-Woodbine	37,974 (U)	12	6.8	2.3	
Bellwoods	20,127 (U)	22	3.6	4.3	
Don Mills	49,885 (U)	24	8.9	4.7	
Dovercourt	22,943 (U)	21	4.0	4.1	
Eglinton	47,801 (U)	29	8.6	5.7	
High Park-Swansea	37,484 (U)	35	6.7	6.8	
Oakwood	31,975 (U)	18	5.7	3.5	
Parkdale	27,496 (U)	34	4.8	6.7	
Riverdale	30,811 (U)	24	5.5	4.7	
Scarborough West	39,456 (U)	11	7.0	2.1	
St.Andrew-St.Patrick	35,582 (U)	41	6.3	8.0	
*St. David	39,712 (U)	127	7.1	24.9	
St. George	43,547 (U)	74	7.7	14.5	
York East	46,639 (U)	23	8.3	4.5	
York South	41,107 (U)	15	7.4	2.9	
T O T A L S	552,539	510	100	100	
PERCENTAGE OF POPULATION	11.2				
PERCENTAGE OF TOTAL CLOSED COMPLAINTS		11.7			

TABLE NO.: 2 (iv)		TITLE: COMPLAINTS BY REGION AND ONTARIO ELECTORAL DISTRICT			
REGION TWO: TORONTO SUBURBS					
CONSTITUENCY	POPULATION	NUMBER OF OF COMPLAINTS	PERCENTAGE OF REGIONAL POPULATION	PERCENTAGE OF REGIONAL COMPLAINTS	
Amourdale	48,372 (U)	24	7.6	8.5	
Downsview	33,656 (U)	19	5.2	6.7	
Etobicoke	35,977 (U)	30	5.6	10.7	
Humber	55,985 (U)	23	8.8	8.2	
*Lakeshore	42,889 (U)	44	6.7	15.7	
Oriole	47,063 (U)	10	7.4	3.5	
Scarborough Centre	39,608 (U)	13	6.2	4.6	
Scarborough East	44,552 (U)	19	6.9	6.7	
Scarborough-Ellesmere	40,264 (U)	7	6.3	2.5	
Scarborough North	54,568 (U)	21	8.5	7.5	
Wilson Heights	43,935 (U)	15	6.8	5.3	
York Mills	53,081 (U)	28	8.4	10.0	
York West	50,544 (U)	10	7.9	3.5	
Yorkview	41,081 (U)	17	6.5	6.0	
T O T A L S	631,575	280	100	100	
PERCENTAGE OF POPULATION	12.8				
PERCENTAGE OF TOTAL CLOSED COMPLAINTS		6.5			

TABLE NO.: 2 (v)		TITLE: COMPLAINTS BY REGION AND ONTARIO ELECTORAL DISTRICT			
REGION THREE: GOLDEN HORSESHOE					
CONSTITUENCY	POPULATION	NUMBER OF COMPLAINTS	PERCENTAGE OF REGIONAL POPULATION	PERCENTAGE OF REGIONAL COMPLAINTS	
*Brampton	52,419 (U)	71	6.8	14.1	
Brock	34,818 (U)	12	4.6	2.4	
Burlington South	53,842 (U)	18	7.1	3.6	
*Halton-Burlington	38,791 (U)	125	5.1	24.8	
Hamilton Centre	37,667 (U)	31	4.9	6.1	
Hamilton East	47,379 (U)	11	6.2	2.2	
Hamilton Mountain	45,488 (U)	17	5.9	3.4	
*Hamilton West	42,021 (U)	37	5.5	7.3	
Lincoln	30,211 (U)	28	3.9	5.5	
Mississauga East	39,500 (U)	18	5.1	3.6	
Mississauga North	46,153 (U)	21	6.0	4.1	
Mississauga South	40,104 (U)	11	5.3	2.1	
Niagara Falls	43,455 (U)	15	5.7	2.9	
Oakville	38,103 (U)	15	5.0	2.9	
St. Catharines	48,885 (U)	14	6.4	2.7	
*Welland	38,401 (U)	15	5.0	2.9	
Wentworth	37,090 (U)	20	4.8	3.9	
Wentworth North	45,145 (U)	24	5.9	4.7	
T O T A L S	759,472	503	100	100	
PERCENTAGE OF POPULATION	15.4				
PERCENTAGE OF TOTAL CLOSED COMPLAINTS		11.6			

TABLE NO.:	2 (vi)	TITLE:	COMPLAINTS BY REGION AND ONTARIO ELECTORAL DISTRICT			
REGION FOUR: ONTARIO WEST CENTRAL						
CONSTITUENCY	POPULATION	NUMBER OF OF COMPLAINTS	PERCENTAGE OF REGIONAL POPULATION	PERCENTAGE OF REGIONAL COMPLAINTS		
*Brantford	42,504 (U)	54	8.3	11.8		
Brant-Oxford-Norfolk	37,299 (R)	16	7.3	3.5		
Cambridge	44,253 (U)	43	8.7	9.4		
Erie	30,615 (U)	11	6.0	2.4		
*Haldimand-Norfolk	43,013 (R)	32	8.5	7.0		
Kitchener	46,096 (U)	43	9.1	9.4		
Kitchener-Wilmot	38,026 (U)	14	7.6	3.1		
Oxford	49,055 (M)	20	9.7	4.4		
*Perth	43,411 (M)	48	8.6	10.5		
Waterloo North	40,726 (U)	15	8.0	3.3		
Wellington-Dufferin-Peel	43,105 (R)	22	8.5	4.8		
*Wellington South	45,387 (U)	138	8.9	29.6		
T O T A L S		456	100	100		
PERCENTAGE OF POPULATION		10.2				
PERCENTAGE OF TOTAL CLOSED COMPLAINTS		10.5				

TABLE NO.: 2 (vii)

TITLE:

COMPLAINTS BY REGION AND ONTARIO ELECTORAL DISTRICT

REGION FIVE: ONTARIO WESTERN RING

CONSTITUENCY	POPULATION	NUMBER OF COMPLAINTS	PERCENTAGE OF REGIONAL POPULATION	PERCENTAGE OF REGIONAL COMPLAINTS
*Chatham-Kent	37,789 (U)	28	5.5	7.5
Elgin	38,030 (M)	22	5.6	5.9
Essex North	32,187 (M)	6	4.7	1.6
Essex South	34,568 (R)	12	5.0	3.2
Grey	35,278 (R)	22	5.1	5.9
*Grey-Bruce	33,974 (M)	28	4.9	7.5
Huron-Bruce	33,810 (R)	42	4.9	11.3
Huron-Middlesex	29,030 (R)	27	4.2	7.2
Kent-Elgin	32,306 (R)	10	4.7	2.7
Lambton	29,457 (R)	15	4.2	4.0
*London Centre	47,178 (U)	37	6.9	10.0
London North	46,103 (U)	11	6.7	2.9
London South	55,388 (U)	26	8.0	7.0
Middlesex	31,201 (R)	17	4.4	4.5
*Sarnia	44,332 (U)	22	6.4	5.9
Windsor-Riverside	45,232 (U)	8	6.6	2.1
*Windsor-Sandwich	36,957 (U)	20	5.3	5.4
Windsor-Walkerville	37,326 (U)	17	5.4	4.5
T O T A L S	680,146	370	100	100
PERCENTAGE OF POPULATION	13.8			
PERCENTAGE OF TOTAL CLOSED COMPLAINTS		8.5		

TABLE NO.: 2 (viii)		TITLE: COMPLAINTS BY REGION AND ONTARIO ELECTORAL DISTRICT			
REGION SIX: TORONTO NORTH-EAST CORRIDOR					
CONSTITUENCY	POPULATION	NUMBER OF OF COMPLAINTS	PERCENTAGE OF REGIONAL POPULATION	PERCENTAGE OF REGIONAL COMPLAINTS	
*Dufferin-Simcoe	45,357 (M)	32	11.3	7.9	
Durham East	43,634 (U)	21	10.8	5.2	
Durham North	38,674 (R)	43	9.5	10.7	
*Durham West	40,207 (U)	25	10.0	6.2	
Oshawa	39,463 (U)	14	9.8	3.4	
*Simcoe Centre	49,521 (M)	111	12.3	27.6	
Simcoe East	42,628 (M)	106	10.5	26.4	
York Centre	52,939 (U)	26	13.1	6.4	
York North	47,747 (M)	23	11.8	5.7	
T O T A L S	400,170	401	100	100	
PERCENTAGE OF POPULATION	8.1				
PERCENTAGE OF TOTAL CLOSED COMPLAINTS		9.2			

TABLE NO.: 2 (ix)		TITLE: COMPLAINTS BY REGION AND ONTARIO ELECTORAL DISTRICT		
REGION SEVEN: ONTARIO NORTH-CENTRAL				
CONSTITUENCY	POPULATION	NUMBER OF OF COMPLAINTS	PERCENTAGE OF REGIONAL POPULATION	PERCENTAGE OF REGIONAL COMPLAINTS
Frontenac-Addington	32,924 (R)	22	7.6	3.6
Hastings-Peterborough	32,223 (R)	25	7.5	4.1
Kingston and The Islands	38,525 (U)	32	9.0	5.2
Muskoka	23,459 (R)	63	5.4	10.3
*Northumberland	41,399 (M)	36	9.7	5.9
*Parry Sound	27,506 (R)	70	6.4	11.5
*Peterborough	57,575 (U)	125	13.5	20.5
*Prince Edward-Lennox	29,322 (R)	40	6.9	6.5
Quinte	42,649 (U)	75	9.9	12.3
*Renfrew North	28,186 (M)	39	6.6	6.4
Renfrew South	34,050 (R)	52	8.0	8.5
*Victoria-Haliburton	35,617 (R)	28	8.3	4.6
T O T A L S	423,435	607	100	100
PERCENTAGE OF POPULATION	8.6			
PERCENTAGE OF TOTAL CLOSED COMPLAINTS		14.0		

TABLE NO.: 2 (x)		TITLE: COMPLAINTS BY REGION AND ONTARIO ELECTORAL DISTRICT			
REGION EIGHT: OTTAWA-EAST					
CONSTITUENCY	POPULATION	NUMBER OF COMPLAINTS	PERCENTAGE OF REGIONAL POPULATION	PERCENTAGE OF REGIONAL COMPLAINTS	
Carleton	47,599 (U)	14	9.8	4.3	
*Carleton East	50,143 (U)	25	10.4	7.6	
*Carleton-Grenville	34,510 (R)	31	7.1	9.5	
*Cornwall	33,392 (U)	36	6.9	11.0	
*Lanark	28,646 (M)	51	5.8	15.6	
*Leeds	33,936 (M)	43	7.0	13.2	
Ottawa Centre	45,908 (U)	38	9.5	11.6	
Ottawa East	46,387 (U)	8	9.6	2.4	
Ottawa South	50,649 (U)	13	10.5	4.0	
Ottawa West	50,969 (U)	19	10.6	5.8	
*Prescott and Russell	36,606 (R)	23	7.5	7.0	
Stormont-Dundas-Glengarry	30,002 (R)	24	6.2	7.3	
T O T A L S	478,747	325	100	100	
PERCENTAGE OF POPULATION	9.7				
PERCENTAGE OF TOTAL CLOSED COMPLAINTS		7.5			

TABLE NO.: 2 (xi)

TITLE:

COMPLAINTS BY REGION AND ONTARIO ELECTORAL DISTRICT

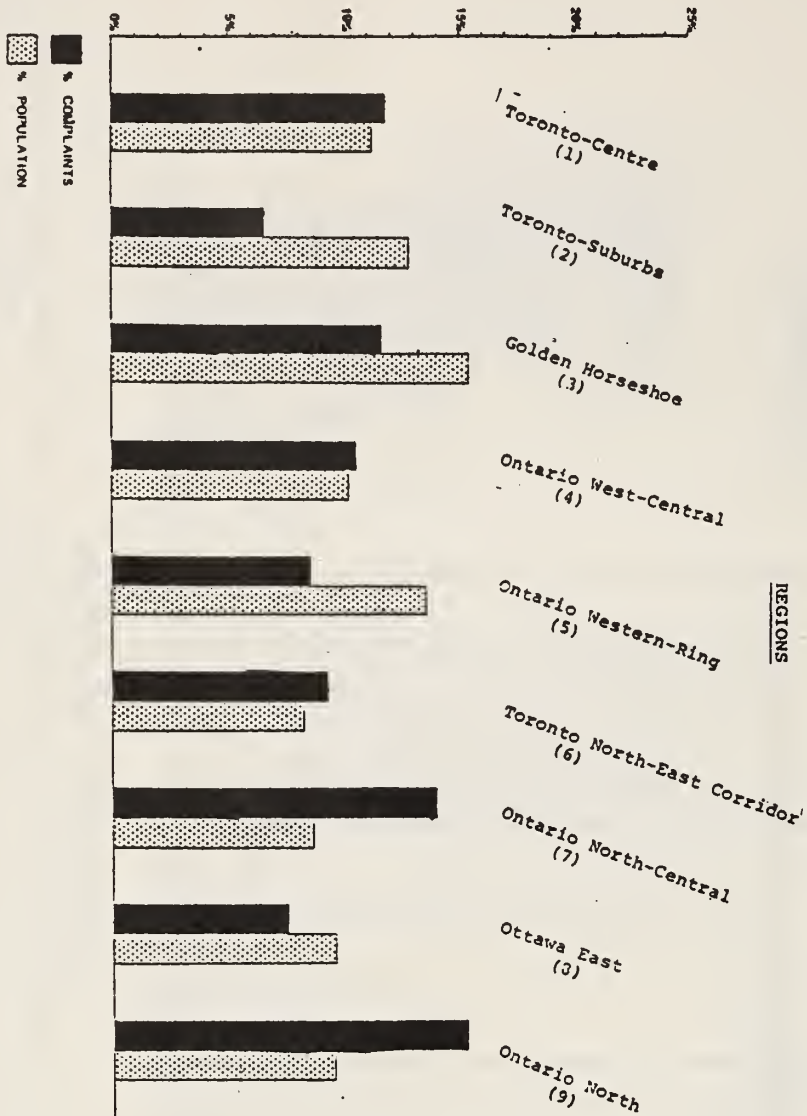
REGION NINE: ONTARIO NORTH

CONSTITUENCY	POPULATION	NUMBER OF COMPLAINTS	PERCENTAGE OF REGIONAL POPULATION	PERCENTAGE OF REGIONAL COMPLAINTS
Algoma	17,789 (R)	31	3.6	4.6
Algoma-Manitoulin	18,593 (R)	43	3.9	6.4
Cochrane North	24,492 (R)	32	5.2	4.7
*Cochrane South	33,966 (U)	52	7.3	7.7
*Fort William	39,048 (U)	31	8.4	4.6
Kenora	27,254 (M)	109	5.8	16.2
Lake Nipigon	18,046 (R)	45	3.9	6.7
*Nickel Belt	23,577 (R)	23	5.0	3.4
Nipissing	41,173 (U)	48	8.9	7.1
*Port Arthur	37,144 (U)	25	8.0	3.7
*Rainy River	17,718 (M)	46	3.7	6.8
*Sault Ste. Marie	48,133 (U)	51	10.4	7.6
*Sudbury	43,143 (U)	38	9.3	5.6
Sudbury East	43,185 (M)	21	9.3	3.1
*Timiskaming	29,002 (M)	74	6.3	11.0
TOTALS	462,263	669	100	100
PERCENTAGE OF POPULATION	9.4			
PERCENTAGE OF TOTAL CLOSED COMPLAINTS		15.4		

TABLE NO.: 3

TITLE:

REGIONAL COMPARISON OF COMPLAINTS AND POPULATION

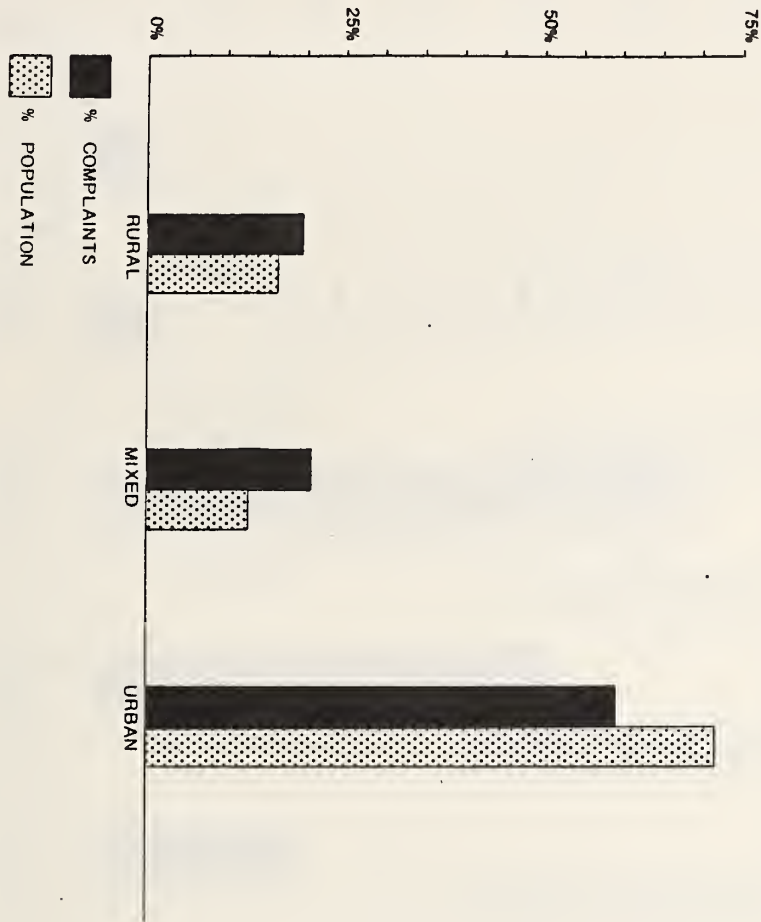


Region	Closed Complaints	(1)	Population (2)	% Complaints to Population
1 Toronto-Centre	510	(11.7)	(11.2)	1.04
2 Toronto-Suburbs	280	(6.5)	(12.8)	.50
3 Golden Horseshoe	503	(11.6)	(15.4)	.75
4 Ontario West-Central	456	(10.5)	(10.2)	1.03
5 Ontario Western-Ring	370	(8.5)	(11.8)	.61
6 Toronto North-East Corridor	401	(9.2)	(8.1)	1.13
7 Ontario North-Central	607	(14.0)	(8.6)	1.63
8 Ottawa-East	325	(7.5)	(9.7)	.77
9 Ontario North	669	(15.4)	(9.4)	1.64
Total	4121	100%	100%	

There were 188 closed complaints where the constituency could not be determined.

TABLE NO.: 4

TITLE: COMPLAINTS AND POPULATION BY RURAL/URBAN DESIGNATION



	Closed Complaints	% Closed Complaints	% Population
Rural	810	19.7%	16.4%
Mixed	843	20.5%	12.9%
Urban	2468	59.8%	70.7%
Total	4121	100%	100%

The percentages do not include closed complaints where the constituency could not be determined.

TABLE NO.: 5

TITLE: COMPLAINT FILE OPENINGS AND COMPLAINT FILE CLOSINGS BY MONTH

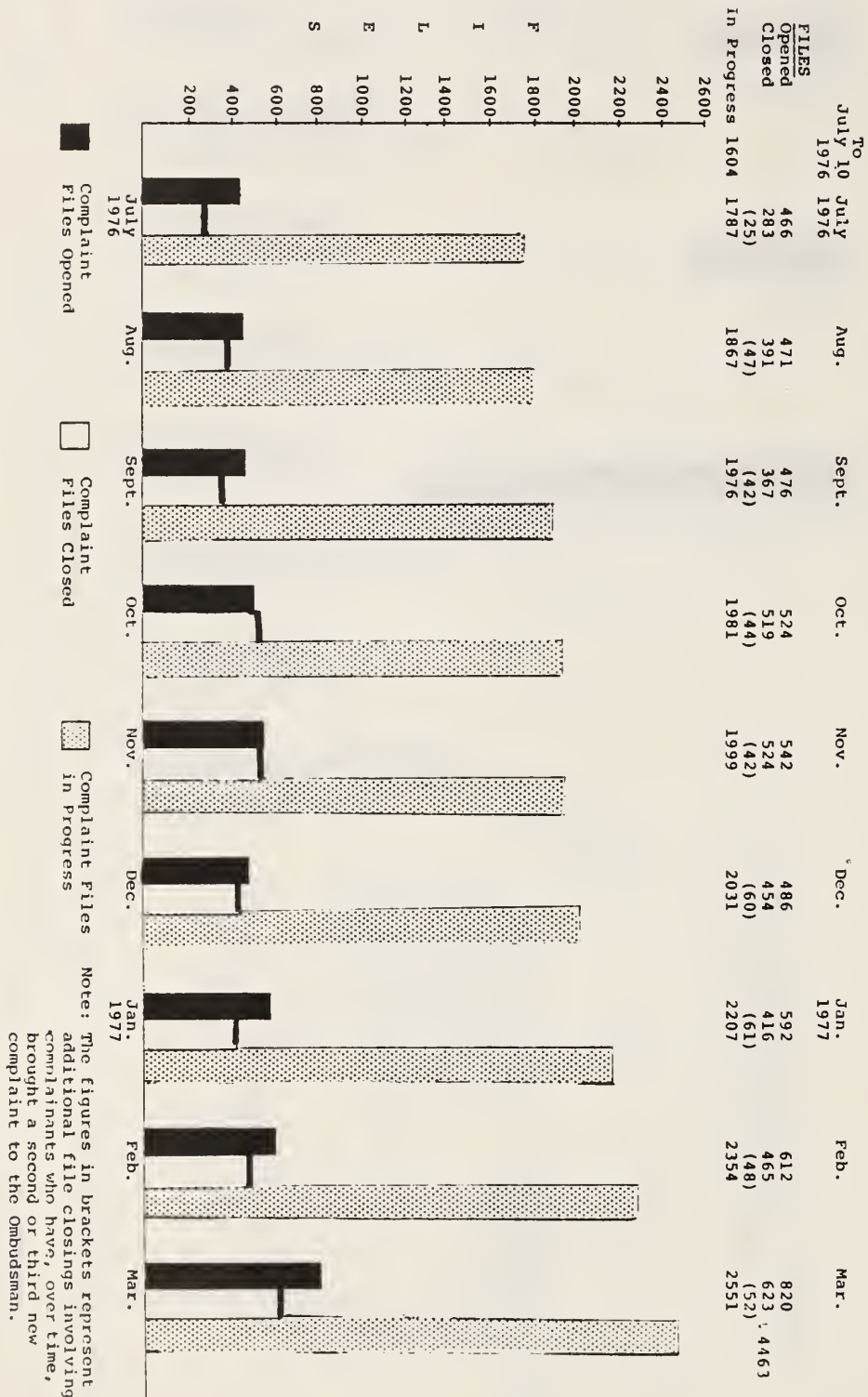




TABLE NO.: 7	TITLE:	AVERAGE DURATION DAYS TO CLOSING BY MONTH
	Average Number of Duration Days	59 57 51 52 78 72 81 78 113
	Closing Month	July* 1976 Aug. Sept. Oct. Nov. Dec. Jan. 1977 Feb. Mar.**

*From July 11, 1976.

(N)ote: Each column represents the average number of duration days to closing for all complaints which were closed during the month indicated.

**To March 31, 1977.

TABLE NO.:		8		TITLE:		MONTH OPENED/MONTH CLOSED CALENDAR YEAR PROFILE											
Opening Month	Closing Month		July '76	Aug.	Sept.	Oct.	Nov.	Dec.	Jan. '77	Feb.	Mar.	Total File Closings					
May/75 to Dec.31/75	19	14			11	11	24	17	16	12	40	164					
Jan../76	2	7			6	4	10	8	7	4	13	61					
Feb.	12	6			6	6	12	4	5	5	7	63					
Mar.	20	23			5	11	19	11	6	10	8	113					
Apr.	18	20			7	8	14	5	5	7	11	95					
May	26	24			20	11	20	7	5	6	12	131					
June	107	86			33	36	32	20	11	8	19	352					
July	104	133			38	30	12	11	4	9	9	350					
Aug.		125			122	59	26	14	11	12	15	384					
Sept.					161	191	63	40	42	17	14	528					
Oct.						196	132	76	38	9	23	474					
Nov.							202	206	[60]	39	22	529					
Dec.								95	171	48	29	343					
Jan../77									96	264	124	484					
Feb.										63	239	302					
Mar.											90	90					
Total File Closings	308	438			409	563	566	514	477	513	675	4463					

TABLE NO.: 9	TITLE: COMPLAINTS BY ORGANIZATION			
	<i>Within Jurisdiction</i>	<i>Outside Jurisdiction</i>	<i>Not Determined</i>	<i>Total</i>
<u>GOVERNMENT OF ONTARIO</u>				
<u>Ministries/Agencies</u>				
Agriculture and Food	6	5		11
Ontario Milk Marketing Board	3	17		20
Attorney General	15	48		63
Criminal Injuries Compensation Board	6	7		13
Land Compensation Board		3		3
Ontario Municipal Board	5	30		35
Colleges and Universities	31	16		47
Colleges of Applied Arts and Technology	4			4
Community and Social Services	77	73	3	153
Consumer and Commercial Relations	46	24	1	71
Liquor Control Board	3	3		6
Correctional Services	17	7		24
Correctional Centres/Adult Training Centres/Detention Centres	552	33		585
Schools	19			19
Jails	376	9	3	388
Total 1016				
Ontario Parole Board	4	2		6
Culture and Recreation	3	1		4
Ontario Lottery Corporation	5	2		7
Education	15	12		27
Teacher's Superannuation Commission	2			2
Energy		1		1
Ontario Energy Board	1	1		2
Ontario Hydro	19	5		24
Environment	19	13		32
Government Services	24	11		35
Health	35	12	1	48
Psychiatric Hospitals	67	8		75
OHIP	40	9		49
Total 172				
Housing	20	9		29
Ontario Housing Corporation	52	10	1	63
Ontario Mortgage Corporation	1	1		2
Industry and Tourism	4			4
Labour	20	4		24
Ontario Human Rights Commission	8	6		14
Ontario Labour Relations Board	6	2		8
Workmen's Compensation Board	164	323	2	489

TABLE NO.: 9 (i)	TITLE: COMPLAINTS BY ORGANIZATION			
	<i>Within Jurisdiction</i>	<i>Outside Jurisdiction</i>	<i>Not Determined</i>	<i>Total</i>
Natural Resources	42	24		66
Revenue	39	26		65
Solicitor General	1	4		5
Ontario Police Commission	4	2		6
Ontario Provincial Police		27		27
Transportation and Communications	63	33		96
Treasury, Economics and Intergovernmental Affairs	5	14		19
Total	1823	837	11	2671
<u>Ontario Government Other</u>				
Management Board		1		1
Civil Service Commission	2	5		7
Public Service Grievance Board		1		1
Office of the Assembly		1		1
Commission on Election Contributions and Expenses		1		1
Office of the Premier/Cabinet Office		1		1
Niagara Escarpment Commission	2	3		5
Office of the Ombudsman		5		5
Executive Council		1		1
Total	4	19		23
Government of Ontario Total	1827	856	11	2694
<u>COURTS</u>				
Total		249		249
<u>FEDERAL GOVERNMENT DEPARTMENTS/AGENCIES</u>				
Air Canada		1		1
Canadian Penitentiary Services		13		13
Central Mortgage and Housing		12		12
Consumer and Corporate Affairs		4		4
Office of the Correctional Investigator				
Health and Welfare		54		54
Indian Affairs and Northern Development		4		4
Justice		5		5
Manpower and Immigration		38		38
National Parole Board		26		26
Post Office		14		14
Public Service Commission		2		2
Public Works		3		3
Revenue Canada - Taxation		39		39
Royal Canadian Mounted Police		8		8
Transport		9		9
Unemployment Insurance Commission		78		78
Veterans Affairs		13		13
Federal Government - Other		65		65
Total		388		388

TABLE NO.: 9 (ii)	TITLE: COMPLAINTS BY ORGANIZATION			
	<i>Within Jurisdiction</i>	<i>Outside Jurisdiction</i>	<i>Not Determined</i>	<i>Total</i>
<u>PRIVATE</u>				
Associations/Groups		47		47
Complaint Bureau		1		1
Children's Aid Society		13		13
Doctors - Patients		21		21
Hospitals - Private		29		29
Lawyers - Clients		171		171
Law Society of Upper Canada		31		31
College of Physicians and Surgeons		7		7
Other - Private		101		101
Private Business		478		478
Private Individual		227		227
Universities		14		14
Total		1140		1140
<u>MUNICIPALITIES/LOCAL AUTHORITIES</u>				
Municipalities		427		427
Municipal Police		100		100
Total		527		527
<u>OTHER PROVINCES</u>				
Total		10		10
<u>INTERNATIONAL</u>				
Total		25		25
<u>NO ORGANIZATION SPECIFIED</u>				
Total		35	8	43
OVERALL TOTAL	1827	3230	19	5076

TABLE NO.: 10	TITLE: CONTACTS BY ORGANIZATION
GOVERNMENT OF ONTARIO CONTACTS Ministries/Agencies Agriculture and Food Ontario Milk Marketing Board 21 7 Attorney General Criminal Injuries Compensation Board 48 5 1 19 Colleges and Universities Colleges of Applied Arts and Technology 29 5 Community and Social Services 100 Consumer and Commercial Relations Liquor Control Board 87 2 2 Correctional Services Community Resource Centre 832 1 9 Culture and Recreation Ontario Lottery Corporation 6 2 Education Teacher's Superannuation Commission 19 4 Energy Ontario Energy Board 3 3 20 Environment 36 Government Services 30 Health 154 Housing Ontario Housing Corporation 55 39 Industry and Tourism 5 Labour Ontario Human Rights Commission 29 14 6 352 Natural Resources 46 Revenue 33 Solicitor General Ontario Police Commission 8 5 8	

TABLE NO.:	10 (i)	TITLE:	CONTACTS BY ORGANIZATION
			<u>CONTACTS</u>
		Transportation & Communications	66
		Treasury, Economics and Intergovernmental Affairs	<u>9</u>
		Total	2126
		<u>Ontario Government Other</u>	
		Civil Service Commission	10
		Public Service Grievance Board	1
		Office of the Premier/Cabinet Office	2
		Niagara Escarpment Commission	<u>4</u>
		Total	<u>17</u>
		Government of Ontario Total	2143
		<u>COURTS</u>	
		Total	<u>12</u>
		<u>FEDERAL GOVERNMENT DEPARTMENTS/AGENCIES</u>	
		Air Canada	1
		Canadian Penitentiary Services	3
		Central Mortgage and Housing	7
		Consumer and Corporate Affairs	6
		Office of the Correctional Investigator	2
		Health and Welfare	21
		Indian Affairs and Northern Development	3
		Justice	3
		Manpower and Immigration	16
		National Parole Board	9
		Post Office	2
		Public Service Commission	3
		Public Works	1
		Revenue Canada - Taxation	14
		Royal Canadian Mounted Police	3
		Transport	8
		Unemployment Insurance Commission	23
		Veterans Affairs	3
		Federal Government - Other	<u>23</u>
		Total	151
		<u>PRIVATE</u>	
		Associations/Groups	60
		Complaint Bureaus	3
		Children's Aid Society	2
		Doctors - Patients	24
		Hospitals - Private	11
		Lawyers - Clients	73
		Law Society of Upper Canada	11
		Other - Private	5
		Private Business	38
		Private Individual	15
		Universities	<u>11</u>
		Total	253

TABLE NO.:	TITLE:
10 (ii)	CONTACTS BY ORGANIZATION

TABLE NO.: 11 TITLE: COMPLAINT FILE ASSIGNMENTS AND FILE CLOSINGS BY DIRECTORATE

Directorates	Legal	Interview Services	Investigations	D.I.S.S.*	Research	R.A.M.S.**
Legal	*** (1426)	337	283	89	93	101
Interview Services	337	(343)	100	168	48	18
Investigations	283	100	(216)	30	66	15
D.I.S.S.	89	168	30	(1220)	22	8
Research	93	48	66	22	(172)	21
R.A.M.S.	101	18	15	8	21	(86)
Assignment Totals	2329	1014	710	1537	422	249
Files Closed Totals	1723	518	446	1418	216	142

* Directorate of Institutional and Special Services

** Directorate of Rural, Agricultural and Municipal Services

*** The figures in brackets represent the number of files worked on solely by the Directorate shown at the top of the column.

TABLE NO.: 12	TITLE: OUTSIDE JURISDICTION COMPLAINTS BY REASONS		
<u>REASONS</u>	<u>Number of Complaints</u>	<u>Percentage of Complaints</u>	
Not a Governmental Organization	57	1.7	
Not Affected in Personal Capacity	20	Less than 1%	
Cabinet	60	1.8	
Premature	768	23.7	
Judges/Court	275	8.5	
Legal Advisor or Counsel to Crown	28	Less than 1%	
Private	1176	36.4	
Municipal/Local	422	13.0	
Other Provinces/Countries	32	Less than 1%	
Federal	392	12.1	
OUTSIDE JURISDICTION COMPLAINT TOTAL	3230		

TABLE NO.: 13		TITLE: OUTSIDE JURISDICTION COMPLAINTS BY ORGANIZATION AND REASONS									
REASONS:		Not a Governmental Organization	Not Affected in Personal Capacity	Cabinet	Premature	Judges/Court	Legal Advisor or Counsel to Crown	Private	Municipal/Local	Other Provinces/ Countries	Federal
GOVERNMENT OF ONTARIO											
Ministries/Agencies											
Agriculture and Food Ontario Milk Marketing Board				1	4	17					
Attorney General Criminal Injuries Compensation Board	3				8	7		9	23	3	3
Land Compensation Board Ontario Municipal Board				5	3	25					
Colleges and Universities						14			1		1
Community and Social Services			4	2		67					
Consumer and Commercial Relations Liquor Control Board	4		2	3		13		1	1		
Correctional Services Ontario Parole Board						41		5			2
Culture and Recreation Ontario Lottery Corporation			2								1

TABLE NO.: 13 (1)		TITLE: OUTSIDE JURISDICTION COMPLAINTS BY ORGANIZATION AND REASONS							
REASONS:		Not a		Not Affected		Legal Advisor			Other Provinces/ Federal
		Governmental Organization	in Personal Capacity	Cabinet	Premature	Judges/Court to Crown	Private	Municipal/Local	
Education		3	1	3	5				
Energy			1						
Ontario Energy Board			1		4				
Ontario Hydro				1					
Environment		1		2	9	1			
Government Services		2	3	2	4				
Health				5	21	1	2		
Housing				1	7		1		
Ontario Housing Corporation				1	7		1		
Ontario Mortgage Corporation					1		2		
Labour			1	1	2				
Ontario Human Rights Commission			1	1	4				
Ontario Labour Relations Board					1	1			
Workmen's Compensation Board					321		2		
Natural Resources		3	1		12	3	5		
Revenue		6	1	4	15				
Solicitor General									
Ontario Police Commission		3			2	1			
Ontario Provincial Police					24	3			

TABLE NO.: 13 (ii)		TITLE: OUTSIDE JURISDICTION COMPLAINTS BY ORGANIZATION AND REASONS									
REASONS:	Not a Governmental Organization	Not Affected in Personal Capacity	Cabinet	Premature	Judges/Court	Legal Advisor or Counsel to Crown		Private	Municipal/Local	Other Provinces/Countries	
Transportation and Communications	4		4	22	3						
Treasury, Economics and Intergovernmental Affairs		1	2	11							
Total	29	19	40	675	28	25	18	0	0	3	
<u>Ontario Government Other</u>											
Management Board			1								
Civil Service Commission	1		3	1							
Public Service Grievance Board				1							
Office of the Assembly Commission on Election				1			1				
Contributions and Expenses Office of the Premier/Cabinet Office			1								
Niagara Escarpment Commission				3							
Office of the Ombudsman	5		1								
Executive Council											
Total	6		6	6			1				
Government of Ontario Total	35	19	46	681	28	25	19	0	0	3	

TABLE NO.:	14	TITLE: INQUIRY LEVEL INVOLVEMENT IN OUTSIDE JURISDICTION COMPLAINTS	
PART A			
<u>"OUTSIDE JURISDICTION" COMPLAINTS</u>			
	<u>Directorate Assignments</u>	<u>Contacts</u>	<u>Number of Complaints</u>
Informal Recommendations	6	8	4
Inquiry/ Referrals	678	588	543
Inquiries	268	240	180
Total	952	836	727
Other Actions	3040	0	2503
Outside Jurisdiction Complaint Total			3230
PART B			
<u>JURISDICTIONAL COMPARISON</u>			
	<u>Directorate Assignments</u>	<u>Contacts</u>	<u>Number of Complaints</u>
<u>WITHIN JURISDICTION</u>			
Formal Recommendations	78	78	21
Informal Recommendations	146	141	102
Inquiries	1516	1363	1199
Total	1740	1582	1322
<u>OUTSIDE JURISDICTION</u>			
Informal Recommendations	6	8	4
Inquiry/ Referrals	678	588	543
Inquiries	268	240	180
Total	952	836	727

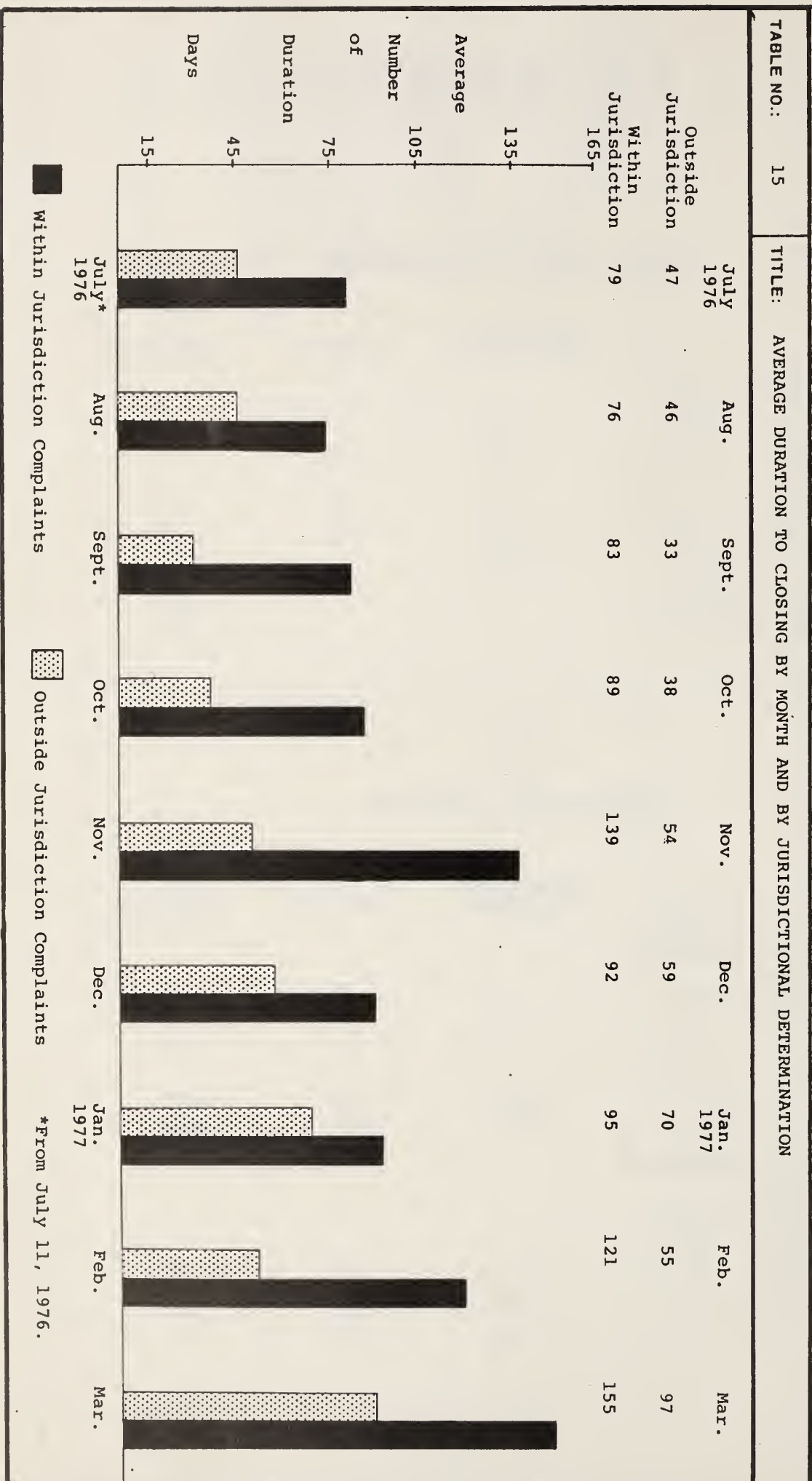


TABLE NO.:	16	TITLE:	FINAL ACTION ANALYSIS/ ASSISTANCE TO COMPLAINANTS
<u>ALL COMPLAINTS</u>			
<u>Action</u>	<u>Number of Complaints</u>		
Refuse to Investigate or Further Investigate	37	No Assistance	
Listen	348	7.5%	
Explain	249		
Advise	273		
Refer	2060		
Inquire/Refer	603		
Inquire	1379		
Informal Recommendation	106	Assistance	
Formal Recommendation	21	92.5%	
TOTAL	5076		
<u>WITHIN JURISDICTION COMPLAINTS</u>			
<u>Action</u>	<u>Number of Complaints</u>		
Refuse to Investigate of Further Investigate	37	No Assistance	
Listen	240	15%	
Explain	87		
Advise	26		
Refer	55		
Inquire/Refer	60		
Inquire	1199	Assistance	
Informal Recommendation	102	85%	
Formal Recommendation	21		
TOTAL	1827		
<u>OUTSIDE JURISDICTION COMPLAINTS</u>			
<u>Action</u>	<u>Number of Complaints</u>		
Listen	100	No Assistance	
Explain	162	3%	
Advise	247		
Refer	1994		
Inquire/Refer	543	Assistance	
Inquire	180	97%	
Informal Recommendation	4		
TOTAL	3230		
Note: This Table does not show assistance for complaints where the jurisdiction was not determined.			

TABLE NO.:	17	TITLE:	FINAL ACTION/AVERAGE DURATION TO CLOSING
			**Average Number of Duration Days
**300-	155	103	86
**250-			58
**200-			47
**150-			62
**100-			103
**50-			124
FINAL ACTION			289
*Re.-Inv.			
*Lis.			
*Exp.			
*Adv.			
*Ref.			
*Ing./Ref.			
*Ing.			
*Ing.Rec.			
*For.Rec.			
			*Final Action
			Refuse to Investigate
			Or Further Investigate
			Listen
			Explain
			Advise
			Refer
			Inquire/Refer
			Inquire
			Informal Recommendation
			Formal Recommendation

TABLE NO.: 18		TITLE: COMPLAINT SETTLEMENT STATUS	
<u>STATUS</u>		<u>NUMBER OF CLOSED COMPLAINTS</u>	
Resolved/Assisted		1021	
Resolved/Independent		360	
Total Resolved		1381	
Not Resolved		3695	
Total Complaints		5076	
<u>REASONS</u> (Not Resolved)			
Abandoned		114	
Withdrawn		153	
No Solution Identified		25	
Circumstances Changed		86	
Information Request		343	
Outside Jurisdiction		2937	
Refuse to Investigate or Further Investigate		37	
Total Not Resolved		3695	

TABLE NO.: 19	TITLE: COMPLAINT SETTLEMENT RESULT BY ORGANIZATION
<u>GOVERNMENT OF ONTARIO</u> <u>Ministries/Agencies</u> Agriculture and Food Ontario Milk Marketing Board Attorney General Criminal Injuries Compensation Board Ontario Municipal Board Colleges and Universities Colleges of Applied Arts and Technology Community and Social Services Consumer and Commercial Relations Liquor Control Board Correctional Services Ontario Parole Board Culture and Recreation Ontario Lottery Corporation Education Teacher's Superannuation Commission	
	<u>Assisted</u> <u>Favour</u> <u>Governmental</u> <u>Organization</u> <u>Independently</u> <u>Favour</u> <u>Complainant</u>
	<u>Favour</u> <u>Complainant</u> 2 2 3 5 2 3 12 2 13 22 1 340 2 1 4 8 1 1 2 1 2 7 2 165 1 1 1

TABLE NO.:	19 (i)	TITLE:	COMPLAINT SETTLEMENT RESULT BY ORGANIZATION		
			<u>Assisted</u>	<u>Independently</u>	
			<u>Favour</u> <u>Complainant</u>	<u>Governmental</u> <u>Organization</u>	<u>Favour</u> <u>Complainant</u>
Energy					
Ontario Energy Board			3	1	1
Ontario Hydro				10	
Environment			7	3	4
Government Services			6	10	3
				1 RD	
Health			27	45	16
Housing			4	1	9
Ontario Housing Corporation			12	14	10
Ontario Mortgage Corporation				1	
Industry and Tourism				2	
Labour			6	4	1
Ontario Human Rights Commission				6	
Ontario Labour Relations Board				2	
Workmen's Compensation Board			63	36	42
				2 RD	
Natural Resources			19	15	3
Revenue			7	12	13

NOTE: "RD" indicates
"Recommendation Denied"

TABLE NO.: 19 (ii)	TITLE: COMPLAINT SETTLEMENT RESULT BY ORGANIZATION			
		<u>Assisted</u>		<u>Independently</u>
		<u>Favour Complainant</u>	<u>Favour Governmental Organization</u>	
Solicitor General Ontario Police Commission Ontario Provincial Police		1	1	1
	Transportation and Communications	15	22	11
	Treasury, Economics and Intergovernmental Affairs	356	613	320
	<u>Total</u>			
<u>Ontario Government Other</u> Civil Service Commission Niagara Escarpment Commission		1	1	
	<u>Total</u>	1	1	
	Government of Ontario Total	357	614	320
	<u>COURTS</u>			
	<u>Total</u>	4		2

TABLE NO.: 19 (iii)	TITLE:	COMPLAINT SETTLEMENT RESULT BY ORGANIZATION			
		<u>Assisted</u>		<u>Independently</u>	
		<u>Favour</u> <u>Complainant</u>	<u>Favour</u> <u>Governmental</u> <u>Organization</u>	<u>Favour</u> <u>Complainant</u>	
<u>FEDERAL GOVERNMENT DEPARTMENTS/AGENCIES</u>					
Health and Welfare	8			3	
Indian Affairs and Northern Development	1			1	
Manpower and Immigration	2			1	
National Parole Board	1			1	
Post Office	1				
Revenue Canada - Taxation	3			1	
Unemployment Insurance Commission	2			4	
Federal Government - Other	1				
Total	19			10	
<u>PRIVATE</u>					
Associations/Groups	1			1	
Children's Aid Society	1				
Hospitals - Private	2			1	
Lawyers - Clients	2			1	
Law Society of Upper Canada				1	
Other - Private	1				
Private Business	6			11	
Private Individual	3			1	
Universities					
Total	16			15	

TABLE NO.: 19 (iv)	TITLE: COMPLAINT SETTLEMENT RESULT BY ORGANIZATION
<u>MUNICIPALITIES/LOCAL AUTHORITIES</u>	
Municipalities Municipal Police	
Total	Assisted Favour Complainant 7 3 10
11	Favour Governmental Organization
11	Independently Favour Complainant
<u>OTHER PROVINCES</u>	
Total	1
<u>INTERNATIONAL</u>	
Total	1
<u>NO ORGANIZATION SPECIFIED</u>	
Total	1
OVERALL TOTAL	407
	4614
	360

* NOTE: This Figure Includes 4 "Formal Recommendations" That Were Denied.

TABLE NO.: 20	TITLE:	COMPLAINT DISPOSITION SUMMARY			
NUMBER OF COMPLAINT FILE OPENINGS/CLOSINGS OPENED 4989 CLOSED 4463 IN PROGRESS 2551		SETTLEMENT STATUS: RESOLVED/ASSISTED 1021 RESOLVED/INDEPENDENT 360 TOTAL RESOLVED 1381			
JURISDICTION WITHIN 1827 OUTSIDE 3230 NOT DETERMINED 19 5076 FINAL ACTION LISTEN 348 EXPLAIN 249 ADVISE 273 REFER 2060 INQUIRE/REFER 603 INQUIRE 1379 FORMAL RECOMMENDATION 106 REFUSE TO INVESTIGATE 21 OR FURTHER INVESTIGATE 37 5076		FINDINGS: SUPPORTED 238 NOT SUPPORTED 610 NOT RESOLVED: 3695 REASONS: ABANDONED 114 WITHDRAWN 153 NO SOLUTION IDENTIFIED 25 CIRCUMSTANCES CHANGED 86 INFORMATION REQUEST 343 OUTSIDE JURISDICTION 2937 REFUSE TO INVESTIGATE 37 OR FURTHER INVESTIGATE RESULTS: (ONLY RESOLVED COMPLAINTS) FAVOUR COMPLAINANT 767 FAVOUR "GOVERNMENTAL ORGANIZATION" 610 RECOMMENDATION DENIED 4			
NUMBER OF COMPLAINTS 5076		NUMBER OF COMPLAINTS 5076			

TABLE NO.: 21	TITLE: DEFINITION OF TERMS
<u>GENERAL</u> "ASSIGNMENT" The allocation of a complainant's file to a Directorate. "CONTACT" A communication between the Ombudsman's staff and staff of the organization complained against which is <u>instrumental</u> in promoting either the resolution of a complaint or other forms of assistance such as a referral. "DURATION" The number of calendar days from the date the complaint is received to the date on which the complaint file is closed. <u>COMPLAINT DISPOSITION</u> "JURISDICTION" A determination of whether the Ombudsman is empowered to investigate a complaint. The jurisdictional determination is based on an evaluation of the complaint in the context of the provisions of <u>The Ombudsman Act, 1975</u>, in particular, Section 15(1) which requires that a complaint be directed against a "governmental organization" as defined in Section 1(a) of the Act. Other sections of the Act specifically limit the Ombudsman's jurisdiction to investigate complaints. These other reasons are listed in this chapter under the heading "JURISDICTION".	

TABLE NO.:	21(i)	TITLE:	DEFINITION OF TERMS
"FINAL ACTION" The extent of the action taken on a complaint as determined at the time of the closing of a file. The final action possibilities are: "Listen" "Explain" "Advise" "Refer" "Inquire/Refer" "Inquire" "Informal Recommendation" "Formal Recommendation" "Refuse to Investigate or Further Investigate" "LISTEN" The extent of the action taken when a complaint is received and no further action is possible, such as when a complaint is abandoned or withdrawn. "EXPLAIN" The extent of the action taken when a complainant is offered an explanation of his or her circumstances. "ADVISE" The extent of the action taken when a complainant is offered general advice concerning his or her problem. "REFER" The extent of the action taken when the complainant is directed to a specific organization. "INQUIRE/REFER" The extent of the action taken when the complainant is directed to a specific organization as the result of contacts between the Ombudsman's staff and the staff of the organization to which the referral is made.			

TABLE NO.:	21 (ii)	TITLE:	DEFINITION OF TERMS
"INQUIRE" The extent of the action taken when contacts are made on behalf of the complainant, but there is not a referral nor a formal or informal recommendation. All inquiries include either advice or an explanation. "INFORMAL RECOMMENDATION" The extent of the action taken when an inquiry results in a suggested course of action for resolving the problem. An "Informal Recommendation" may involve organizations which are not "governmental organizations" within the meaning of <u>The Ombudsman Act, 1975</u>. "FORMAL RECOMMENDATION" The extent of the action taken when, pursuant to Section 22(3) of <u>The Ombudsman Act, 1975</u>, an investigation results in a recommendation to a "governmental organization". "REFUSE TO INVESTIGATE OR FURTHER INVESTIGATE" The extent of the action taken when the Ombudsman decides not to investigate or further investigate a complaint. This action category applies only to complaints within the jurisdiction of the Ombudsman. "SETTLEMENT" A set of determinations which describe the finalization of a complaint in terms of the following considerations: (i) Was the complaint resolved? (ii) For those complaints that were resolved: (a) Was the complaint resolved as a result of the Ombudsman's assistance or was the complaint independently resolved? (b) Was there a finding that the complaint was supported or not supported?			

TABLE NO.:	21 (iii)	TITLE:	DEFINITION OF TERMS
			(c) Was the complaint resolved in favour of the complainant or was the complaint resolved in favour of the "governmental organization"? "SETTLEMENT STATUS" A determination of whether a complaint was resolved. "FINDING" A decision by the Ombudsman that the complainant's contentions were founded or unfounded. The former are designated as "Supported" complaints, and the latter are designated as "Not Supported" complaints. "RESOLVED COMPLAINT" A complaint which culminates in a settlement result which favours either the complainant or the organization complained against. All resolved complaints include determination of whether the complaint was resolved with the assistance of the Ombudsman or independently. "NOT RESOLVED COMPLAINT" A complaint which does not culminate in a settlement result for one of the following reasons: (a) The complaint was abandoned. (b) The complaint was withdrawn. (c) An appropriate solution could not be identified. (d) The relevant circumstances changed in the course of an investigation. (e) The complaint constituted a request for information. (f) The complaint was outside the jurisdiction of the Ombudsman. (g) The Ombudsman refused to investigate or further investigate.

TABLE NO.:	21(iv)	TITLE:	DEFINITION OF TERMS
"SETTLEMENT RESULT" A determination of whether the complaint was resolved in favour of the complainant or the "governmental organization" complained against or a recommendation was denied by a "governmental organization".			

CHAPTER FOUR

CAPSULE CASE SUMMARIES

RESULT

WITHIN JURISDICTION

- 1 application for Beef Calf Income assisted resolution in
Stabilization Program lost - unable to favour governmental organization
participate
- 2 unjust dismissal abandoned
- 3 information request - reimbursement for barn inquiry made/referred
building costs
- 4 wanted compensation for destruction of assisted resolution in
infected bees and equipment (See Detailed favour governmental organization
Summary #1)
- 5 refusal of farm credit abandoned
- 6 non-acceptance of late enrolment form for independently resolved in
Ontario Beef Calf Income Stabilization favour complainant
Program

OUTSIDE JURISDICTION

- 7 denied promotion because of sex referred
discrimination
- 8 job position improperly filled referred
- 9 request assistance switching back to Farm explanation given
Tax Reduction Program
- 10 financial claim for failure of seeding referred
process
- 11 request for increased quota denied referred

ONTARIO MILK MARKETING BOARD

WITHIN JURISDICTION

- 12 milk price change - decision unfair assisted resolution in
favour governmental organization
- 13 calculation of butterfat payment incorrect - assisted resolution in
how to lodge appeal under the Act favour governmental organization

ONTARIO MILK MARKETING BOARD

- 164 -

NO.	RESULT
14 refund sought for over-quota levies on milk shipments	explanation given

OUTSIDE JURISDICTION

15 milk quota reductions	referred
16 milk quota cut 15% - no explanation given	referred
17 not permitted to sell milk quota under terms of board regulation	referred
18 milk quota reduced and inadequate compensation for milk shipments	referred
19 dissatisfaction with quota	referred
20 reduction of milk quota	referred
21 unfair decision of board to cease marketing milk in cans	referred
22 reduction in industrial milk quota	inquiry made/referred
23 reduction of milk quota	referred
24 reduction of milk quota	referred
25 reduction of milk quota	referred
26 reduction of milk quota	referred
27 reduction of milk quota	referred
28 reduction of milk quota	referred
29 reduction of milk quota	referred
30 reduction of milk quota	referred
31 reduction of milk quota	referred

RESULT

WITHIN JURISDICTION

- 32 refusal to recognize part time employment for the purpose of pension benefits (See Detailed Summary #6) assisted resolution in favour governmental organization
- 33 interim distribution of estate managed by public trustee delayed (See Detailed Summary #3) assisted resolution in favour complainant
- 34 assistance requested in obtaining document from Official Guardian independently resolved in favour complainant
- 35 information request - standard method of appeal to investigate amount of compensation claimed by public trustee in administration of estate inquiry made/referred
- 36 mentally and emotionally unstable former employee's varied complaints assisted resolution in favour governmental organization
- 37 assistance requested in obtaining compensation referred
- 38 public trustee uncooperative assisted resolution in favour governmental organization
- 39 assistance requested in obtaining coroners report referred
- 40 public trustee refused to release estate assisted resolution in favour governmental organization
- 41 lack of independent legal representation assisted resolution in favour complainant
- 42 remuneration not granted for training staff withdrawn
- 43 incompetence of public trustee withdrawn
- 44 handling of affairs by public trustee resulted in substantial financial losses withdrawn
- 45 overdue wages assisted resolution in favour governmental organization
- 46 information request - husband's estate with public trustee - old age pension, accounting, spending money inquiry made/referred

NO.

RESULT

OUTSIDE JURISDICTION

- | | | |
|----|---|-----------------------|
| 47 | felt that local Crown Attorney was unreasonable in dealing with case | referred |
| 48 | charges against complainant dismissed, charges against others not properly laid | referred |
| 49 | concerned that Crown Attorney might decide not to withdraw charge laid mistakenly by wife | referred |
| 50 | family court law needs more teeth to protect families | referred |
| 51 | reply to letter not yet received | referred |
| 52 | information request - recovery of fine paid by mistake | inquiry made/referred |
| 53 | information request - Public Inquiries Act, 1971 | referred |
| 54 | judicial system biased in favour of government | referred |
| 55 | experienced difficulty in retrieving deposit from scholarship foundation which had been turned over to public trustee | advice given |
| 56 | Crown attorney purposely postponing bringing up charges until present sentence served | referred |
| 57 | child care worker wrongly suspended with pay | referred |
| 58 | mishandling of case by Crown Attorney | referred |
| 59 | charge withdrawn by Crown Attorney | referred |
| 60 | dissatisfied with conduct of Justice of the Peace | referred |
| 61 | received verbal abuse from Crown Attorney | referred |
| 62 | wanted several outstanding charges to be brought to court | inquiry made/referred |

MINISTRY OF THE
ATTORNEY GENERAL

- 167 -

NO.	RESULT
63 Crown Attorney intending to ask court to impose jail term for second impaired driving charge	advice given
64 actions of Crown Attorney caused loss of national parole	referred
65 improperly enclosed rifle confiscated	inquiry made
66 unfairly charged with arson - insurance cancelled	referred
67 no indication that judgement paid (See Detailed Summary #2)	assisted resolution in favour complainant
68 Crown Attorney making recovery of stolen automobiles difficult	referred
69 Crown Attorney had not enforced court order and misrepresented value of property	referred
70 remanded twice and trial unfair	referred
71 wished compensation for false arrest	referred
72 objected to illegal arrest with psychological terror inflicted and interrogation by CIA agents	inquiry made/referred
73 being victimized since charges were laid concerning an incident over three years old	advice given
74 Crown Attorney refused to lay charges against London Police	inquiry made
75 management of mother's affairs by public trustee	inquiry made/referred
76 wanted return of funds from scholarship fund administered by public trustee's office	inquiry made/referred
77 suggested changes in Landlord and Tenants Act	referred
78 lack of legislation to enforce maintenance payments	referred

MINISTRY OF THE
ATTORNEY GENERAL

- 168 -

NO.	RESULT
79 legislation does not exist to change baby's name to that of real mother following common-law father's desertion	inquiry made/referred
80 settlement of estate by public trustee	inquiry made/referred
81 Crown Attorney refused to hear charge against police officer	referred
82 decision of Crown Attorney to proceed by way of indictment to prevent possibility of appeal by trial de novo	listened
83 decision of Crown Attorney to proceed by way of indictment to prevent possibility of appeal by trial de novo	explanation given
84 failure to deal with individual breaking bond to keep the peace	referred
85 considerable difficulties working with sheriff	referred
86 refusal to transfer charges from Thunder Bay To Toronto	independently resolved in favour complainant
87 assets of aunt's estate handled by public trustee	referred
88 Crown Attorney did not drop other charges as was expected	referred
89 dissatisfied with Crown Attorney's handling of charge against him	referred
90 dissatisfied with reasons given for the refusal to allow an appeal	referred
91 Crown Attorney unfairly delayed trial	referred
92 Crown Attorney refused to prosecute in good faith, refused to appeal judge's decision	referred
93 delay in having charge brought before the court	referred
94 no consideration given to statements by appraiser re amount offered for expropriation	referred

NO.

RESULT

BOARD CRIMINAL INJURIES COMPENSATION

WITHIN JURISDICTION

95 claim for compensation denied	assisted resolution in favour governmental organization
96 claim for compensation denied	abandoned
97 inadequate compensation awarded	abandoned
98 claim dismissed - no reimbursement for legal expenses	assisted resolution in favour governmental organization
99 loss of eye after beating and robbery	inquiry made/referred
100 denial of compensation for broken eye glasses	inquiry made

OUTSIDE JURISDICTION

101 information request - how to file for hearing	inquiry made/referred
102 unspecified problem	abandoned
103 information request - compensation for injuries	referred
104 information request - legal eligibility for compensation	referred
105 delay in receiving results of investigation	inquiry made/referred
106 treated unfairly - board wanted more medical tests performed	advice given
107 criminal injuries compensation re head injuries	advice given

LAND COMPENSATION BOARD

- 170 -

NO.

RESULT

OUTSIDE JURISDICTION

108	delay in setting of date for compensation in expropriation case	referred
109	refused to accept decision of board	inquiry made/referred
110	not satisfied with board decision	inquiry made/referred

ONTARIO MUNICIPAL BOARD
WITHIN JURISDICTION

111	board's decision delayed	inquiry made
112	land severance decision delayed	independently resolved in favour complainant
113	no notice given of reasons for decision	assisted resolution in favour governmental organization
114	dissatisfied with compensation for expropriation	assisted resolution in favour governmental organization
115	inadequate remuneration for land expropriation (See Detailed Summary #5)	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

116	land severance denied	inquiry made/referred
117	consideration of zoning by-law by board	advice given
118	impossibility of reconsidering Cabinet decision	explanation given
119	unfavourable board decision	referred
120	decision delayed on application for severance	inquiry made/referred
121	rejection of application made for subdivision of land	inquiry made/referred
122	newspaper clippings ruled inadmissible	explanation given

NO.		RESULT
123	turned down application to sever though Committee of Adjustment approved it	referred
124	following unsuccessful appeal to OMB, went to Cabinet and was unsuccessful	explanation given
125	decision to uphold ruling regarding development of Niagara Escarpment	referred
126	land severance denied	referred
127	land severance denied	referred
128	land severance denied	explanation given
129	appeal denied - limitation period expired	referred
130	land severance denied	referred
131	denial of minor variance in by-law	referred
132	land severance denied	referred
133	dissatisfied with residential zoning	referred
134	land severance denied	inquiry made
135	request for costs to be awarded for hearing	explanation given
136	rezoning change from green belt to light industrial	referred
137	property re-zoned and taken away without recompensation	referred
138	town's attempted purchase of land blocked by OMB (See Detailed Summary #4)	advice given
139	land severance denied	inquiry made/referred
140	possible construction of sanitary sewers	referred

ONTARIO MUNICIPAL BOARD

- 172 -

NO.	RESULT
141 conflict of interest on part of board member in severance dispute	referred
142 dissatisfied with dismissal of two appeals	inquiry made/referred
143 land severance denied	inquiry made/referred
144 re-evaluation of alteration of direction of road	referred
145 decision based on attempt to appease municipality	referred

MINISTRY OF
COLLEGES & UNIVERSITIES

- 173 -

NO.

RESULT

WITHIN JURISDICTION

146	financial collection agency overzealous in collection of Ontario student loan (See Detailed Summary #12)	assisted resolution in favour complainant
147	podiatry students not eligible for grants (See Detailed Summary #7)	assisted resolution in favour governmental organization
148	required to repay grant portion of student award (See Detailed Summary #10)	assisted resolution in favour governmental organization
149	inadequate explanation of reasons for recovery of student award overpayment	assisted resolution in favour governmental organization
150	inadequate student assistance and appeal rejection (See Detailed Summary #11)	assisted resolution in favour governmental organization
151	had not received reply to letter	independently resolved in favour complainant
152	contract of apprenticeship cancelled for non-payment of certification fee	assisted resolution in favour governmental organization
153	student loan repayment too high	independently resolved in favour complainant
154	unfair treatment regarding salary rating	assisted resolution in favour governmental organization
155	student award denied - late application	independently resolved in favour complainant
156	application rejected - sought reimbursement for travel expenses	assisted resolution in favour governmental organization
157	reclassification of position unjust	assisted resolution in favour governmental organization
158	student award delayed	independently resolved in favour complainant
159	ineligible for student loan	independently resolved in favour complainant
160	award criteria for independent student unfair	abandoned
161	information re repayment of overpayments	referred
162	student loan decreased	assisted resolution in favour governmental organization

MINISTRY OF
COLLEGES & UNIVERSITIES

- 174 -

NO.	RESULT
163 student award denied	assisted resolution in favour governmental organization
164 student loan reassessed - ownership of car (See Detailed Summary #8)	assisted resolution in favour complainant
165 wanted to obtain school record	assisted resolution in favour complainant
166 wanted to deal with OSAP officials directly re daughter's loan	independently resolved in favour complainant
167 denied financial assistance under OSAP	assisted resolution in favour governmental organization
168 recognition of accumulated sick days under different plan (See Detailed Summary #9)	assisted resolution in favour complainant
169 inadequate student loan assistance	abandoned
170 ineligibility to receive O.S.A.P. benefits	withdrawn
171 delay in receiving mechanic's licence	independently resolved in favour complainant
172 delay in processing student awards application	independently resolved in favour complainant
173 information request - hiring policies discriminated against landed immigrants	listened
174 information request - courses on repairs of air conditioning units and micro wave ovens	inquiry made/referred
175 delay in being assigned to trade school	independently resolved in favour complainant
176 had been asked to repay excess of entitlement under OSAP	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

177 dissatisfied with reduction of amount from OSAP	referred
178 daughter refused student loan - income too high	referred
179 denied admission as second year student	referred

MINISTRY OF
COLLEGES & UNIVERSITIES

- 175 -

NO.	RESULT
180 grant portion of award reduced - complainant operates a car	inquiry made/referred
181 initial assessment of student loan incorrect - computer error	inquiry made/referred
182 wanted prompt appeal decision from Independent Review Board	inquiry made/referred
183 student loan repayment	inquiry made
184 student award inadequate	referred
185 student award denied	inquiry made/referred
186 student award delayed - administrative error	referred
187 delaying tactics used - litigation	listened
188 unjust job termination - budgetary restraint	referred
189 student award - low assessment	referred
190 student award - insufficient	referred
191 student award - insufficient	withdrawn
192 student award denied - over 24 years old	advice given

COLLEGES OF APPLIED ARTS
& TECHNOLOGY

WITHIN JURISDICTION

193 denied hearing before Board of Governors re unjust dismissal (See Detailed Summary #13)	assisted resolution in favour governmental organization
194 use of part-time and full-time teachers' arbitrary	assisted resolution in favour governmental organization
195 grievance alleging improper dismissal rejected	independently resolved in favour complainant

COLLEGES OF APPLIED ARTS
& TECHNOLOGY

- 176 -

NO.

RESULT

196 misleading promises by community college withdrawn
administration led to loss of rental income

MINISTRY OF
COMMUNITY & SOCIAL SERVICES

- 177 -

NO.

RESULT

WITHIN JURISDICTION

197	family benefits - application as a permanently unemployable person denied	refused to investigate or further investigate
198	agreement to establish a day nursery	assisted resolution in favour complainant
199	disability pension inadequate	assisted resolution in favour governmental organization
200	failure to notify complainant that semi-private care not covered by welfare benefits	independently resolved in favour complainant
201	lack of proper facilities to train retarded children	assisted resolution in favour complainant
202	family benefits denied	refused to investigate or further investigate
203	reclassification and mileage incorporation in salary	assisted resolution in favour complainant
204	refusal to renew licence to operate home for emotionally disturbed children	withdrawn
205	overpayment of benefits (See Detailed Summary #16)	assisted resolution in favour complainant
206	delay in appeal decision re vocational assistance	independently resolved in favour complainant
207	delay in obtaining date for hearing	assisted resolution in favour complainant
208	information request - financial aid for foster children	inquiry made/referred
209	departmental memorandum an attempt to dissuade staff from contacting Ombudsman	assisted resolution in favour governmental organization
210	delayed disability pension cheque	abandoned
211	benefits denied - no breakdown of immigration sponsorship	assisted resolution in favour governmental organization
212	disability benefits inadequate - \$250/month	assisted resolution in favour governmental organization

MINISTRY OF
COMMUNITY & SOCIAL SERVICES

- 178 -

NO.	RESULT
213 pension benefits withheld	independently resolved in favour complainant
214 disability pension cheques delayed	independently resolved in favour complainant
215 expense to renovate home to accommodate mentally retarded patients - placements never made	withdrawn
216 information request - transfer of family benefits to Newfoundland	referred
217 benefits not increased despite hike in costs of running house	assisted resolution in favour complainant
218 information request - financial assistance and job opportunities	referred
219 lack of social assistance for people between 16 & 18	referred
220 loss of disability pension due to receipt of Old Age Pension	abandoned
221 denied financial assistance	assisted resolution in favour complainant
222 funding for students with learning disabilities at special schools	assisted resolution in favour complainant
223 GAINS Benefits reduced	explanation given
224 duplicate authorization incorrectly issued for food voucher	assisted resolution in favour governmental organization
225 family benefits denied	assisted resolution in favour complainant
226 mother's allowance inadequate - two children - \$355/month	assisted resolution in favour governmental organization
227 denied financial support for child with learning disability	independently resolved in favour complainant
228 information request re financial assistance	referred
229 benefit cheque delayed	independently resolved in favour complainant

MINISTRY OF
COMMUNITY & SOCIAL SERVICES

- 179 -

NO.	RESULT
230 unable to obtain review board hearing	assisted resolution in favour complainant
231 no explanation given for over-payment mistake or calculations made by Ministry	inquiry made/referred
232 GAINS benefits denied - no explanation (See Detailed Summary #20)	assisted resolution in favour complainant
233 difficulty in obtaining family benefits cheques (See Detailed Summary #21)	assisted resolution in favour complainant
234 request for information regarding application	explanation given
235 wished reclassification from permanently unemployable to permanently disabled	assisted resolution in favour governmental organization
236 needed added compensation for transportation expenses	assisted resolution in favour complainant
237 family benefits - deduction still being made from cheque for over-payment; (See Detailed Summary #14)	assisted resolution in favour complainant
238 refusal to grant disability benefits	withdrawn
239 family benefits - had to pay over-payment (See Detailed Summary #19)	assisted resolution in favour complainant
240 family benefits - had to pay over-payment (See Detailed Summary #17)	assisted resolution in favour complainant
241 refused disability allowance and time for appeal expired	withdrawn
242 Crown wardship - parents rights not guaranteed	assisted resolution in favour complainant
243 family benefits - father of one child cannot receive as he is not a "mother"	abandoned
244 benefits inadequate - unable to pay fuel bill	assisted resolution in favour complainant
245 information request - eligibility for family benefits	referred

MINISTRY OF
COMMUNITY & SOCIAL SERVICES

- 180 -

NO.	RESULT
246 requested change from permanently unemployable to disabled	assisted resolution in favour governmental organization
247 family benefits - over-payment return demanded	independently resolved in favour complainant
248 information request - family benefits	referred
249 delay in decision on application for financial assistance	independently resolved in favour complainant
250 failure to pay fuel allowance	assisted resolution in favour complainant
251 family benefits denied	assisted resolution in favour complainant
252 family benefits denied	withdrawn
253 information request - outcome of review board hearing	independently resolved in favour complainant
254 family benefits denied	assisted resolution in favour governmental organization
255 information request - financial aid for wife	referred
256 denied family benefits and disability pension	assisted resolution in favour governmental organization
257 information request - application for family benefits	inquiry made/referred
258 benefits denied to woman with cancer	assisted resolution in favour complainant
259 loss of insurance money due to receipt of disability benefits	refused to investigate or further investigate
260 information request - possibility of reunion with adopted children	inquiry made/referred
261 compensation wanted for travel cost	independently resolved in favour complainant
262 information requested - how to get a new brace and how to pay for visits to doctor	inquiry made/referred
263 information request - reduction of disability pension due to supplementary income	referred

MINISTRY OF
COMMUNITY & SOCIAL SERVICES

- 181 -

NO.

RESULT

- | | | |
|-----|---|---|
| 264 | day care centre closed due to inability to meet health and fire standards | assisted resolution in favour governmental organization |
| 265 | family benefits denied - onus for support payments on putative father | circumstances changed |
| 266 | denied vocational rehabilitation service - wanted to see testing file | independently resolved in favour complainant |
| 267 | information request - financial assistance for self and family required | referred |
| 268 | information request - locating adopted child | inquiry made/referred |
| 269 | insufficient funds to meet budgetary requirements | assisted resolution in favour governmental organization |
| 270 | error concerning cheques - help in clearing reputation | independently resolved in favour complainant |

OUTSIDE JURISDICTION

- | | | |
|-----|---|--|
| 271 | no commitment received as to date of hearing because Chairman needed to be appointed (See Detailed Summary #18) | inquiry made/referred |
| 272 | application for disability pension rejected | referred |
| 273 | family benefits - incorrect classification | independently resolved in favour complainant |
| 274 | should be more financial assistance to people with problems | inquiry made/referred |
| 275 | family benefits denied | advice given |
| 276 | dissatisfied with decision to cancel General Welfare Assistance benefits due to undeclared liquid assets | advice given |
| 277 | felt allowance was insufficient to make cesspool repairs | advice given |
| 278 | family benefits - drug privileges refused | referred |

MINISTRY OF
COMMUNITY & SOCIAL SERVICES

- 182 -

NO.	RESULT
279 delay in hearing re placement in gov't school	referred
280 not eligible for allowance as disabled or permanently unemployable person	referred
281 feels his allowance is insufficient	referred
282 delay in hearing from rehabilitation branch - acceptance to school	referred
283 family benefits insufficient	referred
284 refusal to issue unconditional day care licence	referred
285 application for disability pension denied	inquiry made/referred
286 GAINS benefits insufficient	referred
287 vocational rehabilitation application denied	inquiry made/referred
288 insufficient financial support for care of mongoloid	inquiry made/referred
289 cancelled allowance and benefits because income exceeded budgetary needs	referred
290 termination of disability pension benefits	inquiry made/referred
291 family benefits denied before appeal to review board	inquiry made/referred
292 family benefits - request for assistance in raising	referred
293 family benefits insufficient	referred
294 family benefits insufficient - special diet required	referred
295 benefits denied	circumstances changed
296 family benefits insufficient	referred

MINISTRY OF
COMMUNITY & SOCIAL SERVICES

- 183 -

NO.	RESULT
297 family benefits denied - had interest in property	inquiry made/referred
298 home wanted that would accept patient with in-dwelling catheter	withdrawn
299 unable to obtain benefits	referred
300 denied reclassification as permanently unemployable	inquiry made/referred
301 policy that spouses may not work in same area is discriminatory	explanation given
302 refused funding for school for those with learning disabilities	independently resolved in favour complainant
303 improperly classified as permanently unemployable	referred
304 family benefits inadequate	referred
305 request for reclassification denied	inquiry made/referred
306 difficulty in obtaining full disability pension	referred
307 family benefits denied	inquiry made/referred
308 family benefits cancelled - no explanation	inquiry made/referred
309 GAINS supplement insufficient	referred
310 family benefits insufficient	referred
311 family benefits denied	inquiry made/referred
312 request for reclassification from unemployable to disabled denied	referred
313 family benefits insufficient	referred
314 wanted to be reclassified	referred

MINISTRY OF
COMMUNITY & SOCIAL SERVICES

- 184 -

NO.	RESULT
315 family benefits - wanted increase and to qualify for pension	referred
316 classification as disabled person and applicable pension unacceptable	referred
317 equality of treatment of husbands and wives	referred
318 legislation concerning babysitters	referred
319 hardship imposed by Ontario Homemakers and Nurses Services Act	inquiry made
320 family benefits denied	referred
321 release of funds held in trust	referred
322 family benefits denied	inquiry made/referred
323 assistance in obtaining a drug card	referred
324 family benefits based on inaccurate medical information	referred
325 application for vocational rehabilitation grant denied	independently resolved in favour complainant
326 family benefits denied	listened
327 father denied benefits - sexual discrimination	referred
328 eligibility for benefits	referred
329 wished to apply for benefits	referred
330 funding refused for child with learning disability	independently resolved in favour complainant
331 inadequate benefits	referred
332 application for total disability pension rejected	referred

MINISTRY OF
COMMUNITY & SOCIAL SERVICES

- 185 -

NO.	RESULT
333 family benefits insufficient for working mothers requiring babysitting services	referred
334 family benefits denied	inquiry made/referred
335 family benefits inadequate - \$195.95/month	referred
336 delay in hearing from review board	inquiry made/referred
337 family benefits denied	referred
338 GAINS benefits insufficient	referred
339 eligibility for disability benefits	referred
340 apathy towards senior citizen self-help group	referred
341 family benefits denied	inquiry made/referred
342 cost of living increase	referred
343 family benefits denied	inquiry made/referred

JURISDICTION NOT DETERMINED

344 unspecified problem	abandoned
345 delay in response to question regarding an individual with a learning disability	explanation given
346 information request - processing of family benefits cheques	explanation given

HURONIA REGIONAL CENTRE

WITHIN JURISDICTION

347 inadequate communication between staff and parents - staff members unavailable on weekends for consultation with parents of residents (See Detailed Summary #15)	assisted resolution in favour complainant
--	---

NO.

RESULT

348 improper treatment and placement resulting in decreased mobility and impaired physical health (See Detailed Summary #15) assisted resolution in favour complainant

PRINCE EDWARD HEIGHTSWITHIN JURISDICTION

349 assistance in obtaining discharge from facility assisted resolution in favour governmental organization

MINISTRY OF
CONSUMER & COMMERCIAL RELATIONS

- 187 -

NO.

RESULT

WITHIN JURISDICTION

- | | | |
|-----|--|---|
| 350 | required to take 'Introduction to Real Estate Program' in order to regain broker's licence | abandoned |
| 351 | unfair legislation in Consumer Reporting Act permits credit bureaus to retain information re indebtedness as long as seven years without updating information (See Detailed Summary #25) | assisted resolution in favour complainant |
| 352 | delay in notification of a judgment requiring payment to the motor vehicle accident claims fund | withdrawn |
| 353 | denied hearing by Building Code Commission | assisted resolution in favour complainant |
| 354 | refusal by Ontario Securities Commission to order release of shares held in escrow | assisted resolution in favour complainant |
| 355 | unnecessary delay in dealing with complainant against Ontario Lottery Corporation | assisted resolution in favour complainant |
| 356 | dissatisfaction with investigation conducted by Superintendent of Insurance | refused to investigate or further investigate |
| 357 | incomplete investigation re unnecessary automobile repairs | assisted resolution in favour governmental organization |
| 358 | inadequate inquiry into ambiguous invoices | independently resolved in favour complainant |
| 359 | granted temporary Motor Vehicle Salesman's Licence with restrictions | assisted resolution in favour governmental organization |
| 360 | delay in approving company name | independently resolved in favour complainant |
| 361 | delay in issuing birth certificate | independently resolved in favour complainant |
| 362 | incomplete investigation by Superintendent of Insurance | assisted resolution in favour governmental organization |
| 363 | dissatisfied with handling of inquiry regarding insurance company | assisted resolution in favour governmental organization |
| 364 | unable to give assistance regarding lawyer-client dispute | assisted resolution in favour governmental organization |

MINISTRY OF
CONSUMER & COMMERCIAL RELATIONS

- 188 -

NO.	RESULT
365 refused birth certificate without proof of birth	assisted resolution in favour governmental organization
366 refusal to pay accident benefits and inadequate investigation	assisted resolution in favour complainant
367 rent review administrative error	assisted resolution in favour complainant
368 difficulty in arranging convenient hearing date	independently resolved in favour complainant
369 no serious consideration given to complaint	assisted resolution in favour governmental organization
370 lack of publicity re Personal Property Security Act	assisted resolution in favour governmental organization
371 Business Practices Division not fully investigating problem with automobile dealer	assisted resolution in favour governmental organization
372 tenants not notified of rent review hearing but rent increased (See Detailed Summary #24)	independently resolved in favour complainant
373 information request about hiring policies respecting relatives	inquiry made
374 rent increases disallowed (See Detailed Summary #23)	assisted resolution in favour governmental organization
375 death benefits payable upon death of son inadequate	assisted resolution in favour governmental organization
376 refused authorization to solemnize marriages (See Detailed Summary #22)	assisted resolution in favour governmental organization
377 mistaken identity caused problems in securing clear title to house	assisted resolution in favour complainant
378 Superintendent of Insurance performed unfavourable investigation into reasons for lack of disability coverage under new insurance policy	assisted resolution in favour governmental organization
379 inquiry regarding rent review	referred
380 delay in registering of land - survey possible	inquiry made/referred

MINISTRY OF
CONSUMER & COMMERCIAL RELATIONS

- 189 -

NO.		RESULT
381	appeal denied due to error by Rent Review Board	withdrawn
382	registration of son's hyphenated surname (See Detailed Summary #26)	assisted resolution in favour complainant
383	evidence not considered by rent review officer and Rent Review Board	withdrawn
384	arbitrariness of requiring age of majority card	assisted resolution in favour governmental organization
385	poor investigation into mismanagement and bad faith on part of trust company	assisted resolution in favour governmental organization
386	should not allow a certain company to operate	assisted resolution in favour governmental organization
387	inadequate investigation by Consumer Protection Bureau	refused to investigate or further investigate
388	unfair hearing under Boundaries Act	assisted resolution in favour governmental organization
389	rent review dispute	assisted resolution in favour governmental organization
390	unnecessary delay in investigation of complaint	assisted resolution in favour governmental organization
391	Business Practices Division declined to investigate complaint against real estate agent and a fraudulent contract	assisted resolution in favour governmental organization
392	rent increase contrary to rent review policy	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

393	complaint against a real estate broker	abandoned
394	lowered drinking age dangerous to teenagers	referred
395	Residential Premises Rent Review Act destroyed investment value of apartment buildings	referred
396	refusal to grant O.P.P. private investigator's licence	inquiry made/referred

NO.	RESULT
397 refusal to issue marriage licence due to non-validity of Argentinian divorce	referred
398 rent review case	independently resolved in favour complainant
399 rejection of offer to settle accident claim out-of-court	explanation given
400 dispute over location of side road	referred
401 long adjournment of rent review case	referred
402 landlord's problems with Rent Review Act and cost revenue statement	referred
403 dissatisfied with rent increase	explanation given
404 third party motor vehicle public liability should be raised from present minimum of \$50,000	inquiry made/referred
405 dissatisfied with the consumer protection system	explanation given
406 no governmental supervision of tractor sales	referred
407 uninsured accident fund fee increases are excessive	referred
408 unintelligible legal jargon in contracts and legislation	referred
409 private pension plans ought to be portable from job to job, legislation must be altered	inquiry made/referred
410 inadequate investigation into rust-proofing problem	referred
411 had not received settlement from Motor Vehicle Accident Claims fund	inquiry made
412 inquiry regarding jurisdiction over safe usage of propane gas and burners	inquiry made
413 rent increase justification	referred

MINISTRY OF
CONSUMER & COMMERCIAL RELATIONS

- 191 -

NO.	RESULT
414 information request - rent increase	inquiry made/referred
415 improper investigation by Consumer Protection Bureau	referred
416 not notified of rent review appeal hearing	inquiry made

JURISDICTION NOT DETERMINED

417 assistance requested in gaining reimbursement for costs incurred in boundary hearing	referred
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LIQUOR CONTROL BOARD

WITHIN JURISDICTION

418 denied full time position	independently resolved in favour complainant
419 application for permanent position denied	independently resolved in favour complainant
420 increase in fees for "special occasion" liquor permits	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

421 unjust termination of employment	inquiry made/referred
422 restriction of liquor licence privileges	advice given
423 not informed of application for licence at establishment near home	inquiry made/referred

LIQUOR LICENCE BOARD

WITHIN JURISDICTION

424 unfair licensing restrictions	independently resolved in favour complainant
425 required to pay increase on liquor licence - application submitted before new Act came into effect	assisted resolution in favour governmental organization
426 information request re excessive sale of alcohol	inquiry made

MINISTRY OF
CORRECTIONAL SERVICES

- 192 -

NO.

RESULT

WITHIN JURISDICTION

- | | | |
|-----|--|---|
| 427 | employment transfer resulted in \$200 financial loss | assisted resolution in favour complainant |
| 428 | assistance requested to enable re-establishment in group home | circumstances changed |
| 429 | medical treatment assistance requested in obtaining legal aid in order to proceed with legal action against Ministry for poor medical assistance | abandoned |
| 430 | application of Pay and Policy Manual arbitrary and discriminatory | assisted resolution in favour governmental organization |
| 431 | verbal contract for teaching services not honoured | assisted resolution in favour complainant |
| 432 | retired recently but should qualify for retroactive pay | independently resolved in favour complainant |
| 433 | reinstatement of lost statutory remission time | circumstances changed |
| 434 | incorrect employment classification resulting in loss of wages | independently resolved in favour complainant |
| 435 | delay in superannuation payments | assisted resolution in favour complainant |
| 436 | delay in receiving pay raises | independently resolved in favour complainant |
| 437 | wanted spouse not to be moved from jail because of lack of transportation | assisted resolution in favour governmental organization |
| 438 | forced resignation due to racial discrimination | assisted resolution in favour governmental organization |
| 439 | information request - how to obtain a transfer closer to home | inquiry made |
| 440 | loss of permanent teaching status and resultant dismissal due to misleading Ministry advice | assisted resolution in favour complainant |
| 441 | concerned about laxity of discipline and the manner in which boys group homes are run | explanation given |

MINISTRY OF
CORRECTIONAL SERVICES

- 193 -

NO.

RESULT

OUTSIDE JURISDICTION

442	former employee felt he should qualify for retroactive pay increase	referred
443	statutory remission time - lost three quarters for being unlawfully at-large	referred
444	overtime pay not allowed management employees on statutory holidays	inquiry made/referred
445	requests for reimbursement for attendance credits and retroactive pay denied	referred
446	suspected forced resignation on medical grounds	referred
447	loss of employment benefits due to reclassification	advice given
448	lost 69 days remission time due to escape from court room	referred

BRAMPTON ADULT TRAINING CENTRE

WITHIN JURISDICTION

449	medical treatment - institution refused to replace eye glasses	assisted resolution in favour governmental organization
450	clothing and canteen difficulties	circumstances changed
451	staff inconsistency - manner of dealing with inmates by a school instructor	assisted resolution in favour complainant
452	staff inconsistency - telephone call and staff - inmate relationship	assisted resolution in favour complainant
453	T.A.P. delayed - employment	assisted resolution in favour complainant
454	signed statement publicized too widely	independently resolved in favour complainant
455	medical treatment insufficient	independently resolved in favour complainant

BRAMPTON ADULT TRAINING CENTRE

- 194 -

NO.		RESULT
456	staff inconsistency - general personality conflicts with staff	assisted resolution in favour governmental organization
457	T.A.P. denied - Christmas	independently resolved in favour complainant
458	unfair misconduct charge	withdrawn
459	staff inconsistency - treatment	circumstances changed
460	feared personal injury	withdrawn
461	treatment unreasonable - staff harassing	withdrawn
462	information request - possibility of charge of suspicion of trafficking drugs being laid	inquiry made
463	unfair misconduct charge	withdrawn
464	letter from Ombudsman's Office opened by staff	assisted resolution in favour complainant

BURTON CORRECTIONAL CENTRE
& ADULT TRAINING CENTRE

WITHIN JURISDICTION

465	compensation for an injury while incarcerated	assisted resolution in favour governmental organization
466	institutional conditions in general	refused to investigate or further investigate
467	mail withheld by staff	assisted resolution in favour governmental organization
468	denied inmate handbook	assisted resolution in favour complainant
469	staff harassment re late rising and not making bed	assisted resolution in favour governmental organization
470	medical treatment inadequate	assisted resolution in favour governmental organization
471	information request - exact date of discharge	inquiry made

BURTCH CORRECTIONAL CENTRE
& ADULT TRAINING CENTRE

- 195 -

NO.	RESULT
472 T.A.P. denied	assisted resolution in favour governmental organization
473 T.A.P. delayed	independently resolved in favour complainant
474 staff mistreatment - baiting of inmates	withdrawn
475 special diet denied - Buddhist	independently resolved in favour complainant
476 information requested re determining release date	inquiry made
477 told to put in for transfer or be shipped out	withdrawn
478 T.A.P. denied	assisted resolution in favour governmental organization
479 discrepancy in hours credited towards apprenticeship	assisted resolution in favour governmental organization
480 T.A.P. delayed	withdrawn
481 transfer to alcohol program delayed	independently resolved in favour complainant
482 information request - status of appeal papers	inquiry made
483 unfair loss of statutory remission time	withdrawn
484 information request re appeal - loss of statutory remission time	referred

OUTSIDE JURISDICTION

485 information request re compensation for injuries while on a work assignment (See Detailed Summary #41)	inquiry made
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HOUSE OF CONCORD
WITHIN JURISDICTION

486 Ombudsman letter opened	assisted resolution in favour complainant
487 staff inconsistency - accused of possession of marijuana	circumstances changed

GLENDAL E ADULT TRAINING CENTRE

- 196 -

NO.

RESULT

WITHIN JURISDICTION

488	information request - educational grants	referred
489	staff inconsistency - unfair treatment	assisted resolution in favour governmental organization
490	T.A.P. violation resulted in loss of privileges and statutory remission time	assisted resolution in favour governmental organization

GUELPH ASSESSMENT
& TREATMENT UNIT

WITHIN JURISDICTION

491	facilities inadequate	assisted resolution in favour governmental organization
492	medical treatment - problems with eyes	independently resolved in favour complainant
493	food cold and improperly prepared	assisted resolution in favour complainant
494	request for advice about adjustment to life after leaving institution	listened
495	transfer to Thunder Bay denied	assisted resolution in favour governmental organization
496	T.A.P. denied - father's funeral	assisted resolution in favour governmental organization
497	not satisfied with treatment	assisted resolution in favour governmental organization
498	wanted transfer to O.C.I.	independently resolved in favour complainant
499	requested transfer	assisted resolution in favour governmental organization
500	kept in segregation because of staff shortage	assisted resolution in favour governmental organization

GUELPH CORRECTIONAL CENTRE

WITHIN JURISDICTION

501	staff inconsistency - C.O. refused to submit medical request	withdrawn
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NO.	RESULT
502 T.A.P. denied	assisted resolution in favour governmental organization
503 improper medication	assisted resolution in favour governmental organization
504 wanted to regain lost statutory remission time	withdrawn
505 T.A.P. denied	no solution identified
506 harassment by staff	withdrawn
507 T.A.P. denied	independently resolved in favour complainant
508 information request - release date and parole board	explanation given
509 treatment unreasonable - placed on misconduct	withdrawn
510 required medical information to be sent to the Workmen's Compensation Board (See Detailed Summary #31)	assisted resolution in favour complainant
511 dissatisfied with conditions in protective custody	independently resolved in favour complainant
512 improperly detained in segregation	withdrawn
513 wished to remain at Guelph to finish sentence	assisted resolution in favour complainant
514 T.A.P. delayed despite good behaviour	assisted resolution in favour complainant
515 medical treatment unsatisfactory - requested address of Chief Medical Officer	referred
516 wanted to see Superintendent regarding institutional complaints	assisted resolution in favour complainant
517 transfer unjustly approved to Millbrook	assisted resolution in favour governmental organization
518 superannuation pay and separation slip incorrectly calculated	independently resolved in favour complainant

GUELPH CORRECTIONAL CENTRE

- 198 -

NO.	RESULT
519 pay still owing following termination of employment	assisted resolution in favour governmental organization
520 staff inconsistency - false charge laid by staff	withdrawn
521 dental treatment delayed - recurring toothaches, needed immediate attention	assisted resolution in favour complainant
522 failure to earn all remission time and second grade incentive allowance	assisted resolution in favour governmental organization
523 pass needed to allow writing of university entrance exams	assisted resolution in favour complainant
524 medical treatment denied	assisted resolution in favour governmental organization
525 information request - lost statutory remission time	explanation given
526 assistance required in obtaining transfer	assisted resolution in favour complainant
527 medical treatment unobtainable	independently resolved in favour complainant
528 transfer delayed to O.C.I.	independently resolved in favour complainant
529 staff inconsistency - placed in detention on "phony" charges	assisted resolution in favour governmental organization
530 Ontario Parole decision delayed	withdrawn
531 facilities inadequate - detention area virtually uninhabitable	independently resolved in favour complainant
532 transfer denied	assisted resolution in favour governmental organization
533 T.A.P. denied - education	assisted resolution in favour governmental organization
534 unjustly charged with being unlawfully at large	assisted resolution in favour governmental organization
535 medical treatment inadequate - broken collar bone	assisted resolution in favour governmental organization

NO.	RESULT
536 facilities inadequate - building cold	independently resolved in favour complainant
537 T.A.P. denied	assisted resolution in favour governmental organization
538 probationary correctional officer dismissed - wished to be re-hired (See Detailed Summary #34)	assisted resolution in favour complainant
539 personal property misplaced	assisted resolution in favour governmental organization
540 T.A.P. denied	assisted resolution in favour governmental organization
541 medical treatment inappropriate	assisted resolution in favour governmental organization
542 medical treatment inadequate - broken thumb	assisted resolution in favour complainant
543 information request about outstanding charges against inmate	inquiry made
544 delay in processing Ontario parole	independently resolved in favour complainant
545 T.A.P. denied - request for clarification	inquiry made
546 statutory remission time lost unjustly (See Detailed Summary #40)	assisted resolution in favour complainant
547 accepted for O.C.I. while at Toronto Jail - uncertain if O.C.I. knew he had been transferred to Guelph (See Detailed Summary #40)	independently resolved in favour complainant
548 welding shop had inadequate safety devices, ventilation improper	circumstances changed
549 T.A.P. denied	assisted resolution in favour governmental organization
550 staff inconsistency - alleged assault by Correctional Officer not pursued by institution administration	assisted resolution in favour complainant
551 T.A.P. denied - Christmas	assisted resolution in favour complainant
552 psychological treatment needed but not given	assisted resolution in favour governmental organization

GUELPH CORRECTIONAL CENTRE

- 200 -

NO.	RESULT
553 staff inconsistency - Correctional Officer called inmate homosexual	withdrawn
554 T.A.P. denied - Christmas	assisted resolution in favour governmental organization
555 information request - possible transfer to Brampton ATC	inquiry made
556 medical treatment inadequate - check-up in Toronto not scheduled	assisted resolution in favour governmental organization
557 staff inconsistency, personal property lost - smoking not allowed at school, Superintendent ignoring official duties	assisted resolution in favour governmental organization
558 new quarters unlivable due to heating equipment malfunction	assisted resolution in favour complainant
559 staff inconsistency - certain officer a trouble maker	inquiry made
560 T.A.P. denied	assisted resolution in favour governmental organization
561 too strictly observed in visiting area while seeing inmate	assisted resolution in favour governmental organization
562 T.A.P. denied	withdrawn
563 T.A.P. denied - employment	assisted resolution in favour governmental organization
564 T.A.P. denied - security risk	assisted resolution in favour complainant
565 request for assistance in calculating sentence	inquiry made/referred
566 assistance requested to be relocated to protective custody	withdrawn
567 T.A.P. denied	assisted resolution in favour governmental organization
568 medical treatment insufficient	abandoned
569 transfer to Rideau C.C. denied	assisted resolution in favour governmental organization

NO.	RESULT
570 medical treatment inconsistent	assisted resolution in favour governmental organization
571 staff inconsistency - staff member giving out unnecessary misconducts and poor work reports	circumstances changed
572 correspondence between inmate and common-law wife suspended without explanation	assisted resolution in favour governmental organization
573 T.A.P. denied	assisted resolution in favour complainant
574 lost earned remission time because of two charges	assisted resolution in favour governmental organization
575 staff inconsistency - mail from Ministry to inmates opened and held by staff	assisted resolution in favour governmental organization
576 facilities inadequate - clothing did not fit	independently resolved in favour complainant
577 knives and forks not permitted	independently resolved in favour complainant
578 parole denied	assisted resolution in favour governmental organization
579 incorrect discharge date	refused to investigate or further investigate
580 letter to MPP opened by staff	assisted resolution in favour governmental organization
581 discrepancy in possible discharge date	withdrawn
582 information request re application for T.A.P.	referred
583 T.A.P. denied	withdrawn
584 information request - mistreatment by two officers	listened
585 discrepancy in discharge date	assisted resolution in favour governmental organization
586 T.A.P. denied - brother's funeral	assisted resolution in favour governmental organization
587 transfer delayed	assisted resolution in favour complainant

GUELPH CORRECTIONAL CENTRE

- 202 -

NO.	RESULT
588 staff mistreatment	withdrawn
589 information request re delay in application for transfer	inquiry made
590 denied permission to wear own shoes	assisted resolution in favour governmental organization
591 information request re procedure in applying for transfer	explanation given
592 information request re transfer approved to Guelph A.T.C. - former sentence spent at Brampton	explanation given
593 charges laid for possession of unauthorized articles	assisted resolution in favour governmental organization
594 wanted transfer to Maplehurst	withdrawn
595 medical treatment improper - detained for failure to obey order	withdrawn
596 T.A.P. denied - Christmas	assisted resolution in favour governmental organization
597 medical treatment contrary to doctor's orders and incentive allowance downgraded	withdrawn
598 wanted Christmas T.A.P. and employment	assisted resolution in favour complainant
599 T.A.P. denied - pre-release	assisted resolution in favour governmental organization
600 medical treatment inadequate - transfer wanted	withdrawn
601 information request - inmate's obligation to work while in prison	explanation given
602 information request re length of time left in segregation	explanation given
603 assistance in forwarding inmate's mail	explanation given
604 wanted transfer from treatment unit	assisted resolution in favour governmental organization

GUELPH CORRECTIONAL CENTRE

- 203 -

NO.	RESULT
605 wanted to serve time in protective custody	independently resolved in favour complainant
606 application to parole board lost	assisted resolution in favour governmental organization
607 meals inadequate for protective custody inmates	assisted resolution in favour governmental organization
608 treatment unreasonable - staff unfair to protective custody inmates	assisted resolution in favour governmental organization
609 staff inconsistency - inmate attendance at A.A. meetings prevented	assisted resolution in favour governmental organization
610 T.A.P. employment withdrawn	independently resolved in favour complainant
611 information request - facilities inadequate for medical segregation	inquiry made
612 medical treatment inadequate - refused glasses for faulty eyesight	assisted resolution in favour governmental organization
613 information request re outstanding charges in Alberta	referred
614 T.A.P. violation and subsequent loss of job	assisted resolution in favour governmental organization
615 T.A.P. delayed - education	independently resolved in favour complainant
616 specific diet denied - diabetic	assisted resolution in favour complainant
617 T.A.P. denied - education	assisted resolution in favour governmental organization
618 parole withheld	assisted resolution in favour governmental organization
619 staff inconsistency - charge of threatening dropped	assisted resolution in favour governmental organization
620 staff inconsistency - frustrations and treatment as a protective custody inmate	assisted resolution in favour governmental organization
621 innocent of under the influence charge	withdrawn
622 T.A.P. delayed	independently resolved in favour complainant

GUELPH CORRECTIONAL CENTRE

- 204 -

NO.		RESULT
623	staff member would not allow inmates to do pushups in living area	assisted resolution in favour complainant
624	request for letter of referral omitting mention of 'excessive use of sick time'	assisted resolution in favour complainant

OUTSIDE JURISDICTION

625	internal reclassification denied	inquiry made/referred
626	assistance in regaining statutory remission time	referred
627	loss of earned remission time	referred
628	loss of statutory remission time	referred
629	earned remission time lost - wanted it restored	referred
630	transfer to Thunder Bay C.C. denied	inquiry made/referred
631	staff inconsistency - unfair treatment by senior Assistant Superintendent	inquiry made/referred
632	loss of statutory remission time for being unlawfully at large	referred
633	staff inconsistency - use of profanity over public address system	referred
634	information request re transfer to a federal prison	explanation given

MAPLEHURST CORRECTIONAL COMPLEX

WITHIN JURISDICTION

635	medical treatment inadequate	independently resolved in favour complainant
636	loss of statutory remission time	withdrawn
637	internal reclassification denied	withdrawn

NO.	RESULT
638 recreation time cut down	explanation given
639 medical treatment unsatisfactory	independently resolved in favour complainant
640 request for transfer to Burtch Correctional Institute	assisted resolution in favour governmental organization
641 information request - questioning long delay in receiving heel support	inquiry made
642 staff inconsistency - unfairly convicted of misconduct	withdrawn
643 staff inconsistency - convicted of institutional misconduct	assisted resolution in favour governmental organization
644 dental treatment inadequate	assisted resolution in favour governmental organization
645 medical treatment - corrective surgery arbitrarily cancelled	assisted resolution in favour complainant
646 transfer denied to jail closer to home	independently resolved in favour complainant
647 T.A.P. delayed	independently resolved in favour complainant
648 transfer assistance requested	withdrawn
649 staff inconsistency - unjustly under suspicion of drug smuggling on T.A.P.	independently resolved in favour complainant
650 delay in being given a more responsible job	independently resolved in favour complainant
651 inmate did not want to be transferred	assisted resolution in favour complainant
652 staff inconsistency - unsympathetic attitude of senior staff member	assisted resolution in favour complainant
653 medical treatment - incomplete accident report not filled out, feared loss of WCB benefits (See Detailed Summary #37)	assisted resolution in favour complainant
654 transfer denied from adult training centre to correctional centre	independently resolved in favour complainant

MAPLEHURST CORRECTIONAL COMPLEX

- 206 -

NO.	RESULT
655 staff inconsistency - school principal guilty of verbal abuse	withdrawn
656 unjustly held in segregation	assisted resolution in favour governmental organization
657 transfer denied	assisted resolution in favour governmental organization
658 transfer delayed	assisted resolution in favour complainant
659 earned remission time denied	inquiry made
660 transfer denied	assisted resolution in favour governmental organization
661 enforced school program attendance	assisted resolution in favour governmental organization
662 unjust removal from work placement	assisted resolution in favour governmental organization
663 T.A.P. denied - A.A. meetings	assisted resolution in favour governmental organization
664 staff discrimination - unfair misconduct charge	inquiry made
665 transfer delayed	independently resolved in favour complainant
666 T.A.P. denied	assisted resolution in favour governmental organization
667 staff inconsistency - unfair gambling charge	independently resolved in favour complainant
668 personal financial problems - recovery of over-payment to Ministry of Consumer and Commercial Relations	assisted resolution in favour complainant
669 T.A.P. denied - need to reassess the definition of 'close relative' (See Detailed Summary #35)	assisted resolution in favour governmental organization
670 incentive allowance - should be raised to level two	assisted resolution in favour complainant
671 staff mistreatment	withdrawn
672 medical treatment inadequate - acne, eye sensitivity, bad teeth, jaw indentation	assisted resolution in favour complainant

NO.	RESULT
673 T.A.P. denied - drinking problem, violent behaviour - file incorrectly documented	assisted resolution in favour governmental organization
674 staff inconsistency - non-specific personal problems with certain staff	no solution identified
675 food insufficient - no toast permitted at breakfast	assisted resolution in favour governmental organization
676 staff inconsistency - Correctional Officer harassment	withdrawn
677 personal property lost during several transfers	no solution identified
678 transfer application to Kitchener jail delayed	assisted resolution in favour complainant
679 medical treatment inadequate - lack of recreation	independently resolved in favour complainant
680 T.A.P. denied	independently resolved in favour complainant
681 incentive allowance reduced without explanation	independently resolved in favour complainant
682 staff inconsistency - restitution for torn shirt excessive, Correctional Officer displayed prejudice	independently resolved in favour complainant
683 possibility of transfer to gain welding skill	inquiry made
684 assistance requested in recovering photos turned in to property office	assisted resolution in favour complainant
685 wanted status report of transfer application to London Jail	inquiry made
686 T.A.P. denied - Christmas	assisted resolution in favour governmental organization
687 information request - possible miscalculation of release date	assisted resolution in favour governmental organization
688 T.A.P. denied	assisted resolution in favour governmental organization

MAPLEHURST CORRECTIONAL COMPLEX

- 208 -

NO.	RESULT
689 denied transfer	assisted resolution in favour governmental organization
690 unfair charges re homosexual activity	assisted resolution in favour governmental organization
691 unfair removal from work gang as security risk	assisted resolution in favour complainant
692 denied permission to make telephone call	refused to investigate or further investigate
693 charged with bookmaking and suspicion with intent to assault fellow inmate	assisted resolution in favour governmental organization
694 medical treatment unsatisfactory - required surgery	assisted resolution in favour complainant
695 T.A.P. denied	assisted resolution in favour governmental organization
696 privileged position on sports team jeopardized by possible transfer	independently resolved in favour complainant
697 wanted job within institution	assisted resolution in favour complainant
698 personality conflict with a Correctional Officer	refused to investigate or further investigate
699 staff inconsistency - refusal to allow braiding of hair	assisted resolution in favour governmental organization
700 staff inconsistency - derogatory comments about common-law wife	circumstances changed
701 assistance requested in calculating release date	assisted resolution in favour complainant
702 information why amount in bank account not transferred to inmate	inquiry made
703 transfer unjust (See Detailed Summary #30)	assisted resolution in favour complainant
704 T.A.P. denied - reasons insufficient and inaccurate	withdrawn
705 T.A.P. denied - employment	independently resolved in favour complainant

MAPLEHURST CORRECTIONAL COMPLEX

- 209 -

NO.	RESULT
706 problem eating food - no teeth	independently resolved in favour complainant
707 information request re proper procedure for requesting to see institutional staff	explanation given
708 information request re possible dates for parole and release	inquiry made
709 visits denied to cousin	withdrawn
710 irregularities regarding institutional misconduct punishment for	assisted resolution in favour governmental organization
711 transfer denied	abandoned
712 internal reclassification unfair	assisted resolution in favour governmental organization
713 T.A.P. denied	withdrawn
714 T.A.P. delayed - education	independently resolved in favour complainant
715 study material denied	assisted resolution in favour governmental organization
716 transfer delayed	abandoned
717 T.A.P. decision delayed - employment	assisted resolution in favour governmental organization
718 staff inconsistency - badly beaten by Correctional Officer	withdrawn
719 information request re procedure for obtaining plastic surgery	inquiry made
720 information re clearing up outstanding charge prior to application for T.A.P.	inquiry made/referred
721 medical treatment - delay in receiving pain killers for injured arm	withdrawn
722 information request re lost statutory remission time	referred
723 accused of refusing physiotherapy and interview with doctor	independently resolved in favour complainant

MAPLEHURST CORRECTIONAL COMPLEX

- 210 -

NO.		RESULT
724	radio unjustly confiscated (See Detailed Summary #32)	assisted resolution in favour complainant

OUTSIDE JURISDICTION

725	T.A.P. denied	inquiry made/referred
726	T.A.P. denied - refusal anticipated due to misconduct	advice given
727	T.A.P. denied - request for assistance in setting up judicial review to grant T.A.P.	explanation given
728	request assistance in expediting deportation order to U.S.	assisted resolution in favour complainant
729	T.A.P. application - no answer given by Ministry	independently resolved in favour complainant
730	loss of statutory remission time	referred

MILLBROOK CORRECTIONAL CENTRE

WITHIN JURISDICTION

731	staff inconsistency - possibility of charge under criminal code upsetting inmate	independently resolved in favour complainant
732	moved from protective custody to population without explanation	inquiry made
733	wanted transfer to O.C.I.	assisted resolution in favour complainant
734	transfer denied	assisted resolution in favour governmental organization
735	information request - computation of forfeited statutory remission time	explanation given
736	move from protective custody to population potentially dangerous	assisted resolution in favour governmental organization
737	information request re date of transfer	inquiry made
738	information request re length of sentence	inquiry made/referred

MILLBROOK CORRECTIONAL CENTRE

- 211 -

NO.	RESULT
739 T.A.P. delayed	independently resolved in favour complainant
740 financial assistance sought for the repair of glasses	assisted resolution in favour complainant
741 information requested re denial of transfer to Brockville Jail	inquiry made
742 T.A.P. denied	assisted resolution in favour governmental organization
743 frustrated at being held in custody	circumstances changed
744 transfer delayed	assisted resolution in favour complainant
745 transfer requested	independently resolved in favour complainant
746 transfer delayed	independently resolved in favour complainant
747 transfer requested due to emotional problems (See Detailed Summary #36)	assisted resolution in favour complainant
748 surgical operation requested before release date	independently resolved in favour complainant
749 misconduct hearings unfair	assisted resolution in favour governmental organization
750 transfer based on improper grounds	assisted resolution in favour governmental organization
751 afraid of harm from other inmates	withdrawn
752 transfer delayed	independently resolved in favour complainant
753 personal property removed	assisted resolution in favour governmental organization
754 transfer requested	assisted resolution in favour governmental organization
755 information request re psychiatric treatment	assisted resolution in favour complainant
756 inmate mail withheld and destroyed	refused to investigate or further investigate
757 information request re procedures to follow in seeing psychiatrist	advice given

MILLBROOK CORRECTIONAL CENTRE

- 212 -

NO.	RESULT
758 wanted medical treatment	assisted resolution in favour complainant
759 staff inconsistency - inmates allowed only 25 cents worth of stamps per week	assisted resolution in favour governmental organization
760 re letters to Ombudsman's Office	no solution identified
761 staff inconsistency - harassment by correctional officer	assisted resolution in favour complainant
762 staff inconsistency - harassment by correctional officer	assisted resolution in favour complainant
763 cost of dentures should be borne by ministry	assisted resolution in favour governmental organization
764 T.A.P. denied - education	assisted resolution in favour governmental organization
765 transfer delayed to Brampton O.C.I.	explanation given
766 wanted to have dentures replaced	assisted resolution in favour complainant
767 transfer requested	inquiry made/referred
768 transfer requested to Guelph C.I. (See Detailed Summary #29)	assisted resolution in favour complainant
769 transfer requested	circumstances changed
770 young inmates disrupting A.A meetings	no solution identified
771 staff inconsistency - mail to inmate friend not delivered	assisted resolution in favour governmental organization
772 transfer from Maplehurst to Millbrook unfair	assisted resolution in favour governmental organization
773 internal reclassification denied	assisted resolution in favour governmental organization
774 staff inconsistency - inmate unjustly placed in segregation	withdrawn
775 staff inconsistency - 3 inmates moved from protective custody to population in personal danger	assisted resolution in favour governmental organization

MILLBROOK CORRECTIONAL CENTRE

- 213 -

NO.	RESULT
776 transfer delayed to O.C.I.	assisted resolution in favour complainant
777 transfer delayed pending parole hearing	independently resolved in favour complainant
778 reclassification assistance requested	independently resolved in favour complainant
779 staff inconsistency - discriminatory behaviour on part of correctional officers and inmates	assisted resolution in favour governmental organization
780 unjust misconduct charge	assisted resolution in favour governmental organization
781 transfer denied	assisted resolution in favour governmental organization
782 information request re change in exercise schedule	inquiry made
783 information request re reasons for placement in protective custody	inquiry made
784 transfer procedures requested	explanation given
785 wanted to bring racially related problems to the Superintendent's attention	circumstances changed
786 wanted to bring racially related problems to the Superintendent's attention	assisted resolution in favour complainant
787 unspecified problems	withdrawn
788 staff inconsistency - wanted to lay criminal charges against correctional officers	assisted resolution in favour complainant
789 personal property not respected during cell searches	assisted resolution in favour complainant
790 recreational program non-existent	no solution identified
791 playing cards not available in corridors	assisted resolution in favour complainant
792 staff inconsistency - unjust placement in segregation and transfer procedures	assisted resolution in favour complainant
793 medical treatment inadequate - eyeglasses denied	assisted resolution in favour governmental organization

NO.	RESULT
794 request to be placed in segregation denied	assisted resolution in favour governmental organization
795 correspondence withheld	refused to investigate or further investigate
796 wished to write to a federal inmate	inquiry made
797 internal reclassification delayed	independently resolved in favour complainant
798 transfer denied	assisted resolution in favour governmental organization
799 information request re accumulation of earned remission time	inquiry made
800 medical treatment insufficient - epileptic seizures	independently resolved in favour complainant
801 information request - why certain drugs no longer prescribed	inquiry made
802 wanted transfer to Maplehurst	assisted resolution in favour complainant
803 transferred unfairly to Millbrook from Guelph	assisted resolution in favour governmental organization
804 depressed and discouraged	circumstances changed
805 wanted knee operation	independently resolved in favour complainant
806 mail to Ombudsman withheld	refused to investigate or further investigate
807 transfer denied	assisted resolution in favour governmental organization
808 mistaken opening of two letters from Ombudsman	assisted resolution in favour complainant
809 transfer delayed	assisted resolution in favour complainant
810 internal reclassification not workable	assisted resolution in favour complainant
811 transfer denied	assisted resolution in favour governmental organization

MILLBROOK CORRECTIONAL CENTRE

- 215 -

NO.	RESULT
812 held in custody beyond discharge date	assisted resolution in favour governmental organization
813 medical treatment inadequate	circumstances changed
814 information request re reclassification and status as provincial or federal prisoner	explanation given
815 ineligibility for parole	assisted resolution in favour governmental organization
816 unable to obtain glasses	assisted resolution in favour complainant
817 placed in segregation without being convicted of any offence	assisted resolution in favour complainant
818 transfer denied	assisted resolution in favour complainant
819 medical treatment inadequate - leg injury	assisted resolution in favour governmental organization
820 internal reclassification unfair	assisted resolution in favour governmental organization
821 transfer denied	abandoned
822 staff mistreatment - segregation threat	assisted resolution in favour governmental organization
823 information request - transfer of canteen privileges to another institution	explanation given
824 not allowed to correspond with another inmate	assisted resolution in favour governmental organization
825 inadequate rehabilitative treatment	assisted resolution in favour governmental organization
826 information request why transfer denied	inquiry made
827 internal reclassification - no inmate consent	independently resolved in favour complainant
828 psychiatric treatment inadequate	assisted resolution in favour complainant
829 internal transfer - feared beatings from inmates	independently resolved in favour complainant

MILLBROOK CORRECTIONAL CENTRE

- 216 -

NO.	RESULT
830 medical treatment inadequate	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

831 medical treatment - doctor unprofessional - no respect for inmate	referred
832 loss of statutory remission time	explanation given
833 loss of statutory remission time - institutional misconduct	inquiry made/referred
834 loss of statutory remission time	referred
835 remission time lost - officer harassed inmate	inquiry made/referred
836 earned remission time lost	referred
837 staff inconsistency - inmates not permitted to call witnesses at misconduct hearings	advice given

MIMICO CORRECTIONAL CENTRE

WITHIN JURISDICTION

838 staff inconsistency - unfairly placed in detention	no solution identified
839 loss of statutory remission time - dorm disturbance	withdrawn
840 information requested as to how to obtain a Christmas or New Years pass	advice given
841 loss of statutory remission time - threatened officer	assisted resolution in favour governmental organization
842 staff inconsistency - severe sentence for misconduct	assisted resolution in favour governmental organization
843 statutory and earned remission time lost	withdrawn
844 earned remission time lost - no written explanation	assisted resolution in favour complainant

MIMICO CORRECTIONAL CENTRE

- 217 -

NO.	RESULT
845 T.A.P. withdrawn and transferred to Mimico	assisted resolution in favour governmental organization
846 information request re whether inmate would be charged with trafficking in drugs	assisted resolution in favour complainant
847 information request re regaining of lost statutory remission time	referred
848 harassed by inmates - staff negligent	withdrawn
849 unjust reclassification as security risk	assisted resolution in favour complainant
850 loss of statutory remission time - misconducts	assisted resolution in favour governmental organization
851 T.A.P. denied - convicted of using foul language and threatening correctional officer	assisted resolution in favour governmental organization
852 staff mistreatment - unduly severe punishment for minor offence	assisted resolution in favour complainant
853 transfer to Millbrook unjust	independently resolved in favour complainant
854 staff inconsistency - misunderstanding over inmates conversation with Superintendent	no solution identified
855 medical treatment - attitude of nurse not professional	withdrawn
856 mail not delivered promptly (See Detailed Summary #38)	assisted resolution in favour complainant
857 staff inconsistency - inmate charged and sentenced unjustly	assisted resolution in favour governmental organization
858 information request - disposition of rings belonging to inmate	inquiry made
859 alleged innocence of misconduct charges	assisted resolution in favour governmental organization
860 placement in segregation	assisted resolution in favour governmental organization

MIMICO CORRECTIONAL CENTRE

- 218 -

NO.	RESULT
861 staff inconsistency - beaten by officers, charged with commission of serious offences, blackmailed and threatened by Superintendent	independently resolved in favour complainant
862 information request re status of transfer application	inquiry made/referred
863 transferred due to formation of inmate committee	assisted resolution in favour governmental organization
864 property lost at Mimico C.C.	no solution identified
865 lost property	no solution identified
866 T.A.P. denied - Christmas	assisted resolution in favour governmental organization
867 assistance requested in applying for T.A.P.	independently resolved in favour complainant
868 misconduct due to possession of contraband	withdrawn
869 T.A.P. denied - no explanation given	assisted resolution in favour governmental organization
870 information request - possible release date	inquiry made
871 information request - possible release date	inquiry made
872 T.A.P. denied	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

873 statutory remission time forfeited - no explanation given	referred
874 information request re earned remission time	inquiry made
875 loss of statutory remission time	advice given

MONTEITH CORRECTIONAL CENTRE
WITHIN JURISDICTION

- 219 -

NO.	RESULT
876 T.A.P. withdrawn - no explanation given	withdrawn
877 rules too strictly enforced	circumstances changed
878 information request re prisisoner's rights	advice given
879 information request re elegibility for parole and application procedures	inquiry made
880 staff inconsistency - problems with correctional officers	assisted resolution in favour governmental organization
881 T.A.P. denied unfairly	assisted resolution in favour governmental organization
882 records incorrect - removal B charge	assisted resolution in favour governmental organization
883 attempts to transfer to O.C.I. blocked	assisted resolution in favour governmental organization
884 food cold and inedible	circumstances changed
885 late T.V. viewing denied	assisted resolution in favour governmental organization
886 information request - T.A.P. application	advice given
887 information request re possibility of probation following release	inquiry made
888 medical treatment inadequate - back problem	assisted resolution in favour governmental organization
889 T.A.P. denied - Christmas	assisted resolution in favour governmental organization
890 T.A.P. denied unfairly	assisted resolution in favour governmental organization
891 T.A.P. denied	assisted resolution in favour governmental organization
892 T.A.P. denied	assisted resolution in favour governmental organization
893 transfer delayed	circumstances changed
894 institution would not pay for eye glasses	explanation given

MONTEITH CORRECTIONAL CENTRE

- 220 -

NO.	RESULT
895 T.A.P. denied	assisted resolution in favour governmental organization
896 discrimination regarding French T.V. viewing	assisted resolution in favour governmental organization
897 medical treatment inadequate - cataracts	independently resolved in favour complainant
898 transfer requested - assaulted by other inmates	independently resolved in favour complainant

OUTSIDE JURISDICTION

899 information request re status of T.A.P. application	explanation given
900 request for assistance in having outstanding charges brought up for trial	inquiry made/referred

ONTARIO CORRECTIONAL INSTITUTE

WITHIN JURISDICTION

901 staff interference with mail	assisted resolution in favour complainant
902 medical treatment inadequate	assisted resolution in favour governmental organization
903 medical treatment inadequate	circumstances changed
904 medical treatment inadequate	assisted resolution in favour governmental organization
905 request not to be transferred	circumstances changed
906 parole application not supported by institution	explanation given
907 privileges denied, letters from inmate friend withheld	withdrawn
908 T.A.P. denied	assisted resolution in favour governmental organization
909 staff inconsistency - not permitted to phone wife	assisted resolution in favour governmental organization

ONTARIO CORRECTIONAL INSTITUTE

- 221 -

NO.	RESULT
910 staff inconsistency - refusal to allow visit by girl friend	assisted resolution in favour governmental organization
911 staff inconsistency - accusations of laziness	independently resolved in favour complainant
912 staff inconsistency - insufficient control over forwarding of parole application papers	assisted resolution in favour complainant
913 T.A.P. denied	assisted resolution in favour governmental organization
914 refusal of diabetic diet	listened
915 medical treatment - denied hair medication	circumstances changed
916 telephone calls denied	circumstances changed
917 submission concerning administrative policies and procedures	listened
918 T.A.P. denied - to seek employment and register with Manpower	assisted resolution in favour complainant
919 refused permission to make telephone calls to wife	assisted resolution in favour complainant
920 T.A.P. denied - considered untrustworthy	assisted resolution in favour governmental organization
921 transfer denied	independently resolved in favour complainant
922 T.A.P. denied - weekend with girlfriend	assisted resolution in favour governmental organization
923 medical treatment inadequate - sprained thumb	assisted resolution in favour governmental organization
924 transfer to Brampton O.C.I. directly from jail requested and denied	assisted resolution in favour governmental organization
925 transfer denied to House of Concord	assisted resolution in favour governmental organization
926 T.A.P. denied	assisted resolution in favour governmental organization
927 information request re transfer	inquiry made

ONTARIO CORRECTIONAL INSTITUTE

- 222 -

NO.	RESULT
928 T.A.P. - requested five days but granted only three days	assisted resolution in favour governmental organization
929 medical treatment refused for skin problem	assisted resolution in favour governmental organization
930 T.A.P. denied	assisted resolution in favour governmental organization
931 delay in arranging interview with Superintendent	assisted resolution in favour complainant
932 transfer denied	assisted resolution in favour governmental organization
933 transfer - for no apparent reason	assisted resolution in favour governmental organization
934 medical treatment denied - cosmetic surgery on jaw	assisted resolution in favour governmental organization
935 T.A.P. denied	assisted resolution in favour governmental organization
936 medical treatment inappropriate	assisted resolution in favour governmental organization
937 staff mistreatment - nurse rude	no solution identified
938 delay in receiving medical treatment - injured leg	refused to investigate or further investigate
939 staff expected exceptional behaviour from inmate but did not provide exceptional example of behaviour themselves	no solution identified
940 staff inconsistency - isolation, skin searches	circumstances changed
941 discrepancy in release date	assisted resolution in favour governmental organization
942 compensation for injury sustained during recreation period	assisted resolution in favour governmental organization
943 weight room closed	assisted resolution in favour governmental organization

RIDEAU CORRECTIONAL CENTRE
& ADULT TRAINING CENTRE

- 223 -

WITHIN JURISDICTION

NO.	RESULT
944 medical treatment - improper attention given	assisted resolution in favour governmental organization
945 mistreatment by staff resulting in the loss of statutory remission time	withdrawn
946 loss of statutory remission time	withdrawn
947 T.A.P. denied - police submitted negative reports	assisted resolution in favour governmental organization
948 transfer approved from Rideau to Cobourg not to L'Orignal as requested	inquiry made
949 T.A.P. denied - Christmas	withdrawn
950 T.A.P. denied - Christmas	independently resolved in favour complainant
951 staff inconsistency - unjust charge resulting from self defense in assault	assisted resolution in favour complainant
952 participation in volunteer program denied	assisted resolution in favour governmental organization
953 T.A.P. denied	assisted resolution in favour governmental organization
954 transfer to Guelph C.C. unjust	assisted resolution in favour governmental organization
955 loss of statutory remission time for possession of contraband materials	assisted resolution in favour governmental organization
956 transfers unjustified	assisted resolution in favour governmental organization
957 information request re effect of a misconduct on National Parole application and explanation of previous letter from Ombudsman	explanation given
958 information request re excessive number of inmates transferred without good reason	explanation given
959 being a member of inmate committee thought to be reason for transfer	independently resolved in favour complainant

RIDEAU CORRECTIONAL CENTRE
& ADULT TRAINING CENTRE

- 224 -

NO.	<u>OUTSIDE JURISDICTION</u>	RESULT
960	statutory remission time forfeited for possession of contraband materials	referred

THUNDER BAY CORRECTIONAL CENTRE

WITHIN JURISDICTION

961	T.A.P. denied	assisted resolution in favour governmental organization
962	assistance requested in getting employment within the institution	independently resolved in favour complainant
963	information request re transfer	circumstances changed
964	unjust transfer from C.R.C. to Thunder Bay C.C.	assisted resolution in favour governmental organization
965	information request re transfer	inquiry made
966	T.A.P. withdrawn and subsequently transferred	assisted resolution in favour governmental organization
967	personal property missing	assisted resolution in favour complainant
968	unfairly transferred to district jail by Superintendent	circumstances changed
969	medical treatment delayed	independently resolved in favour complainant
970	assistance requested re transfer	independently resolved in favour complainant
971	building inadequate, insufficient rehabilitative facilities and programs	independently resolved in favour complainant
972	not permitted to send money order - make phone call	independently resolved in favour complainant
973	staff inconsistency - Superintendent against him	independently resolved in favour complainant
974	incentive allowance for planting trees not received	independently resolved in favour complainant
975	harassment and mistreatment	withdrawn

THUNDER BAY CORRECTIONAL CENTRE

- 225 -

NO.

RESULT

OUTSIDE JURISDICTION

976 T.A.P. denied	explanation given
977 T.A.P. denied	explanation given

NIAGARA DENTENTION CENTRE

WITHIN JURISDICTION

978 medication improperly administered	circumstances changed
979 alleged improper loss of privileges	assisted resolution in favour governmental organization
980 transfer delayed	assisted resolution in favour complainant
981 staff inconsistency - inmate not allowed to work in kitchen	assisted resolution in favour governmental organization
982 unnecessarily secure visiting area; female corrections officers in danger	assisted resolution in favour governmental organization
983 assistance requested in appealing sentence and obtaining drug therapy	advice given
984 urgent desire to be released from custody, "going stir crazy"	circumstances changed
985 staff inconsistency - federal prisoner not entitled to incentive pay while held in provincial centre	assisted resolution in favour governmental organization
986 staff inconsistency - quality of food, personal belongings	withdrawn
987 information request re correctional institute's mail policies	explanation given
988 medical treatment inadequate - needed physiotherapy	assisted resolution in favour governmental organization
989 wished three teeth pulled and wanted to wear street clothes to visit dentist	withdrawn

NIAGARA DETENTION CENTRE

- 226 -

NO.	RESULT
990 inadequate amount of exercise	withdrawn
991 medical treatment - prescription caused vomiting	inquiry made
992 T.A.P. denied	withdrawn
993 T.A.P. denied	independently resolved in favour complainant
994 transfer delayed	assisted resolution in favour governmental organization
995 T.A.P. denied	withdrawn
996 transfer delayed	independently resolved in favour complainant
997 information request re possible release date	circumstances changed
998 medical treatment inadequate	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

999 difficulties consulting	contacting lawyer for inquiry made
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OTTAWA-CARLETON DETENTION CENTRE

WITHIN JURISDICTION

1000 staff inconsistency - correctional officers began a rumour about inmate's behaviour while on T.A.P.	assisted resolution in favour governmental organization
1001 staff inconsistency - denied access to lawyer	assisted resolution in favour governmental organization
1002 unfairly locked up	assisted resolution in favour governmental organization
1003 alleged beating by Correctional Officers while being held in segregation	assisted resolution in favour governmental organization
1004 assistance requested in arranging night visits from fiancée	independently resolved in favour complainant

OTTAWA-CARLETON DETENTION CENTRE

- 227 -

NO.	RESULT
1005 unjust dismissal from position as T.A.P. officer	withdrawn
1006 medical treatment inadequate	independently resolved in favour complainant
1007 staff inconsistency - not allowed to exercise	explanation given

QUINTE DETENTION CENTRE

WITHIN JURISDICTION

1008 improper transfer	circumstances changed
1009 transfer delayed	independently resolved in favour complainant
1010 staff inconsistency - unjustly charged for striking other inmate	assisted resolution in favour governmental organization
1011 T.A.P. denied	withdrawn
1012 medical treatment unobtainable	independently resolved in favour complainant
1013 severe pain in wisdom teeth - no medication given	circumstances changed
1014 law books unavailable	independently resolved in favour complainant
1015 inadequate facilities for female prisoners	circumstances changed
1016 food poor, general conditions poor, anonymous complaint	no solution identified
1017 assistance requested in remaining at Quinte to serve sentence	assisted resolution in favour governmental organization
1018 canteen - shampoo of very poor quality	withdrawn
1019 visitor's area could not accomodate children	independently resolved in favour complainant
1020 toilet bowl leaked, change of clothes infrequent	assisted resolution in favour governmental organization

QUINTE DETENTION CENTRE

- 228 -

NO.	RESULT
1021 staff inconsistency - clothes change not frequent enough	independently resolved in favour complainant
1022 staff inconsistency - remand prisoner not allowed special shampoo	inquiry made/referred
1023 T.A.P. denied - one day pre-release	assisted resolution in favour governmental organization
1024 request that Superintendent be told of waste of electricity	inquiry made
1025 unfair punishment	assisted resolution in favour governmental organization
1026 showers too hot	circumstances changed
1027 denied permission to purchase deodorant	assisted resolution in favour complainant
1028 refused a special brand of shampoo	independently resolved in favour complainant
1029 information request re difficulty of getting clean clothes and the lack of exercise on weekends	inquiry made/referred
1030 letters to Ombudsman not mailed	assisted resolution in favour governmental organization
1031 staff mistreated daughter during visit	assisted resolution in favour complainant
1032 information requested as to when the transfer would take place	inquiry made
1033 letter from Ombudsman opened by staff	assisted resolution in favour governmental organization

CHAMPLAIN SCHOOL

WITHIN JURISDICTION

1034 inadequate reimbursement on termination of pension plan	assisted resolution in favour governmental organization
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HILLCREST SCHOOL
WITHIN JURISDICTION

- 229 -

NO.	RESULT
1035 assistance requested to graduate	independently resolved in favour complainant
1036 staff inconsistency - smoking not allowed in school	assisted resolution in favour governmental organization
1037 staff inconsistency - wards required to wear institutional clothes	assisted resolution in favour governmental organization
1038 information request re assessment status	inquiry made
1039 smoking forbidden	assisted resolution in favour governmental organization
1040 smoking forbidden	assisted resolution in favour governmental organization
1041 unduly harsh punishment imposed due to charge of smuggling contraband into institution	assisted resolution in favour governmental organization
1042 transfer delayed - family problems	independently resolved in favour complainant

KAWARTH LAKES SCHOOL

WITHIN JURISDICTION

1043 improper removal of IUD	assisted resolution in favour governmental organization
1044 transfer requested	independently resolved in favour complainant

PINE RIDGE SCHOOL

WITHIN JURISDICTION

1045 compensation for escapees' damages	referred
1046 not allowed to return to community school because wrongly accused of drug use	withdrawn
1047 information request - graduation date	assisted resolution in favour governmental organization

OAKVILLE RECEPTION &
ASSESSMENT CENTRE

- 230 -

NO. RESULT

WITHIN JURISDICTION

1048 smoking forbidden	assisted resolution in favour governmental organization
1049 personal mail read by staff members	assisted resolution in favour governmental organization

SPRUCEDALE SCHOOL
- WHITE OAKS VILLAGE

WITHIN JURISDICTION

1050 unjust incarceration	assisted resolution in favour governmental organization
1051 unable to locate missing stereo	assisted resolution in favour governmental organization
1052 planned graduation cancelled and no reason given	assisted resolution in favour governmental organization

BARRIE JAIL

WITHIN JURISDICTION

1053 staff inconsistency - unusual treatment at jail	no solution identified
1054 incentive allowance for work in laundry not received	explanation given
1055 transfer denied	assisted resolution in favour governmental organization
1056 meals unavailable to transferred prisoners who do not arrive during meal times	inquiry made
1057 third party complaint about his treatment	withdrawn
1058 visitor inquiry regarding the physical condition of inmate held in segregation	withdrawn
1059 staff inconsistency - wife refused a visit, letters not allowed, falsely charged with assault, lawyer refused access to inmate	independently resolved in favour complainant
1060 loss of privileges and punishment too severe	assisted resolution in favour governmental organization

BARRIE JAIL

- 231 -

NO.		RESULT
1061	misconduct punishment too severe (See Detailed Summary #28)	assisted resolution in favour governmental organization
1062	misconduct punishment too severe	assisted resolution in favour governmental organization

BRAMPTON JAIL

OUTSIDE JURISDICTION

1063	personal property lost during transfers	inquiry made/referred
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BRANTFORD JAIL

WITHIN JURISDICTION

1064	personal property lost during transfer	no solution identified
1065	medical treatment - wanted doctor to explain nature of the injury	assisted resolution in favour complainant
1066	medical treatment inadequate	assisted resolution in favour governmental organization
1067	assistance requested in ascertaining progress of transfer application	inquiry made
1068	staff inconsistency - mail opened, library improperly staffed	assisted resolution in favour complainant
1069	staff inconsistency - difficulties in seeing nurse, Correctional Officer using obscene language	independently resolved in favour complainant
1070	medical treatment - delay in seeing doctor	assisted resolution in favour governmental organization
1071	staff inconsistency - unnecessary confinement in segregation	independently resolved in favour complainant
1072	two letters per week insufficient	explanation given
1073	assistance requested in transfer to Brampton O.C.I.	assisted resolution in favour complainant

BROCKVILLE JAIL

- 232 -

NO.

RESULT

WITHIN JURISDICTION

1074	assistance requested in obtaining transfer	independently resolved in favour complainant
1075	information request re status of application to transfer to Brampton O.C.I.	inquiry made
1076	medical treatment delay	assisted resolution in favour governmental organization
1077	T.A.P. denied - education - because of transfer	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

1078	information request - transfer application	inquiry made
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CHATHAM JAIL

WITHIN JURISDICTION

1079	transfer to treatment program delayed	assisted resolution in favour governmental organization
1080	staff inconsistency - blamed for things not done	withdrawn
1081	no rehabilitation attempts	circumstances changed
1082	generally poor conditions, specifically meals	abandoned

CORNWALL JAIL

WITHIN JURISDICTION

1083	medical treatment - medication for insomnia denied	independently resolved in favour complainant
1084	medical treatment for peptic ulcer denied	independently resolved in favour complainant
1085	transfer request to institution in B.C. denied	assisted resolution in favour governmental organization

CORNWALL JAIL

- 233 -

NO.

RESULT

1086 management - staff conflict (See Detailed Summary #27)	assisted resolution in favour complainant
1087 placed in segregation - no reason given	assisted resolution in favour governmental organization

COBOURG JAIL

WITHIN JURISDICTION

1088 wanted transfer back to Rideau C.C.	withdrawn
1089 treatment unreasonable - required to shave off beard	withdrawn
1090 did not receive application papers for parole	assisted resolution in favour governmental organization
1091 dental treatment not available	assisted resolution in favour governmental organization
1092 medical treatment denied - nurse not on duty at night	assisted resolution in favour complainant
1093 information request re medical staffing, no protective custody cells and use of showers	inquiry made
1094 only certain inmates allowed to watch T.V.	assisted resolution in favour governmental organization
1095 facilities inadequate - poor lighting	independently resolved in favour complainant
1096 medical and dental treatment inadequate	independently resolved in favour complainant
1097 staff inconsistency - general unpleasantness of institutional life	assisted resolution in favour governmental organization
1098 Ontario parole cancelled	assisted resolution in favour governmental organization
1099 non-participation in jail programs and no T.V. in corridors	assisted resolution in favour governmental organization
1100 unable to have interview with Superintendent	assisted resolution in favour governmental organization
1101 inadequate medication being given	assisted resolution in favour governmental organization

COBOURG JAIL

- 234 -

NO.

RESULT

1102	transfer delayed to Brampton Jail	assisted resolution in favour governmental organization
1103	inadequate medical treatment	independently resolved in favour complainant
1104	information request re permission to have T.V. in the dormitory	explanation given
1105	generally poor treatment and inadequate facilities	assisted resolution in favour governmental organization

FORT FRANCES JAIL

WITHIN JURISDICTION

1106	facilities inadequate - constant boredom	independently resolved in favour complainant
1107	facilities inadequate - needed increased recreation	independently resolved in favour complainant
1108	treatment unreasonable - cell doors opened during day	assisted resolution in favour governmental organization
1109	medical treatment - wanted an appointment	assisted resolution in favour complainant
1110	facilities inadequate - planned to reopen and reconstruct arts and crafts recreation room	independently resolved in favour complainant

GUELPH JAIL

WITHIN JURISDICTION

1111	medical treatment inadequate - stomach ailment	circumstances changed
1112	prescribed medical cream not available	assisted resolution in favour governmental organization
1113	transfer denied to O.C.I.	independently resolved in favour complainant
1114	unable to get glasses	assisted resolution in favour complainant
1115	transfer delayed	independently resolved in favour complainant

GUELPH JAIL

- 235 -

10.

RESULT

1116 clothing inadequate	assisted resolution in favour governmental organization
1117 facilities inadequate - broken sink	independently resolved in favour complainant
1118 personal cheque withheld	independently resolved in favour complainant
1119 personal property lost	independently resolved in favour complainant
1120 medical treatment denied - injured toe	withdrawn
1121 facilities inadequate - inoperative toilet	assisted resolution in favour complainant
1122 medical treatment poor	assisted resolution in favour governmental organization
1123 legitimacy of son and possible marriage to common-law wife	advice given
1124 reclassified to protective custody without charge or trial	assisted resolution in favour governmental organization
1125 general dissatisfaction with prison life	withdrawn
1126 assistance requested in obtaining eye glasses	referred
1127 psychiatric treatment - why considered suicidal	assisted resolution in favour governmental organization
1128 information request re reclassification	inquiry made/referred

HAILEYBURY JAIL

WITHIN JURISDICTION

1129 requested reasons for transfer to correctional centre	withdrawn
1130 lack of exercise program	inquiry made
1131 inadequate recreation facilities	circumstances changed
1132 inadequate medical care	independently resolved in favour complainant

HAILEYBURY JAIL

- 236 -

NO.

RESULT

1133	medical treatment insufficient - condition of left knee	assisted resolution in favour governmental organization
1134	inadequate food preparation on weekends	assisted resolution in favour complainant
1135	inadequate recreation and visiting areas	assisted resolution in favour governmental organization

HAMILTON JAILWITHIN JURISDICTION

1136	staff inconsistency - canteen improperly operated	assisted resolution in favour governmental organization
1137	staff inconsistency - inmate assaulted by correctional officer	assisted resolution in favour governmental organization
1138	being detained in custody unnecessarily	independently resolved in favour complainant
1139	staff inconsistency - harsh penalty imposed for misconduct	assisted resolution in favour governmental organization
1140	staff inconsistency - messages forgotten, not allowed proper exercise	withdrawn
1141	medical treatment inadequate	assisted resolution in favour governmental organization
1142	suitably fitting pants unavailable	assisted resolution in favour complainant
1143	T.A.P. denied - employment	assisted resolution in favour governmental organization
1144	staff inconsistency - numerous complaints concerning administration of jail	assisted resolution in favour governmental organization
1145	maggots found in meals	assisted resolution in favour complainant
1146	staff inconsistency - male inmates have greater freedoms	independently resolved in favour complainant
1147	medical treatment	assisted resolution in favour governmental organization
1148	mistreatment and harassment by staff and general conditions of jail	refused to investigate or further investigate

HAMILTON JAIL

- 237 -

NO.	RESULT
1149 staff inconsistency - severe sentence for assault on Correctional Officer	withdrawn
1150 lengthy remand period	assisted resolution in favour governmental organization
1151 information request/petition re inadequate facilities resulting in denial of canteen and recreational privileges	inquiry made
1152 internal reclassification to protective custody wing delayed	independently resolved in favour complainant
1153 staff conversations at night loud - interrupt sleep	independently resolved in favour complainant

OUTSIDE JURISDICTION

1154 forwarding of petition to Minister demanding resignation of senior staff member	referred
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KENORA JAIL

WITHIN JURISDICTION

1155 abused, mistreated and discriminated against by staff	circumstances changed
1156 jail administration and conditions poor	circumstances changed
1157 denied freedom of speech	withdrawn
1158 law books unavailable	assisted resolution in favour complainant
1159 staff inconsistency - Correctional Officers picking on him	assisted resolution in favour governmental organization
1160 lack of recreational facilities	independently resolved in favour complainant

KITCHENER JAIL

WITHIN JURISDICTION

1161 improperly held in segregation	assisted resolution in favour governmental organization
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KITCHENER JAIL

- 238 -

NO.	RESULT
1162 denied access to alcoholics anonymous meetings	abandoned
1163 medical treatment inadequate	circumstances changed
1164 staff inconsistency - not allowed to go to meetings	withdrawn
1165 medical treatment denied - ingrown toe nails	assisted resolution in favour governmental organization
1166 staff inconsistency - assaulted by officers	circumstances changed
1167 petition from 20 inmates regarding quantity and quality of food	assisted resolution in favour governmental organization
1168 numerous complaints concerning jail conditions in general	assisted resolution in favour governmental organization
1169 medical treatment improper - need for medication and cells should be left open during the day	withdrawn
1170 meal missed when returned from court and placed in segregation unnecessarily	assisted resolution in favour governmental organization
1171 assistance requested in internal reclassification	independently resolved in favour complainant
1172 insufficient exercise time	assisted resolution in favour complainant
1173 staff inconsistency - inmate charged as a result of outburst arising from shortage of playing cards	assisted resolution in favour governmental organization
1174 staff inconsistency - Superintendent refused to allow inmate to send flowers to wife and officers guilty of harassing inmate	assisted resolution in favour governmental organization
1175 valuable coin missing from property held at jail	assisted resolution in favour governmental organization
1176 dental treatment inadequate	independently resolved in favour complainant
1177 insufficient quantities of food to sustain life	independently resolved in favour complainant

KITCHENER JAIL

- 239 -

NO.		RESULT
1178	cushions and blankets not allowed in day corridor and visits with family too short	assisted resolution in favour governmental organization
1179	harassed and mistreated by correctional officer	circumstances changed
1180	medical treatment - inadequate medication given for headaches	circumstances changed
1181	recreational privileges withdrawn on transfer from correctional setting to jail annex	assisted resolution in favour governmental organization
1182	profane and derogatory remarks made towards inmates	circumstances changed
1183	staff inconsistency - mail to wife improperly addressed by staff censor	no solution identified

LINDSAY JAILWITHIN JURISDICTION

1184	medical treatment inadequate	assisted resolution in favour governmental organization
1185	staff inconsistency - discrimination against inmates from Millbrook	assisted resolution in favour complainant
1186	staff inconsistency - correctional officers unsatisfactory	circumstances changed
1187	food always the same	circumstances changed
1188	transfer delayed	circumstances changed
1189	staff mistreatment	assisted resolution in favour governmental organization
1190	staff inconsistency - Correctional Officer harassment, Correctional Officers drunk on the job, food poor	circumstances changed
1191	treatment unreasonable - threatened by staff member and strong language used	assisted resolution in favour governmental organization
1192	privileges denied - taken off weight lifting unjustly	assisted resolution in favour governmental organization

NO.

RESULT

LONDON JAIL

WITHIN JURISDICTION

1193 mail not sent	assisted resolution in favour governmental organization
1194 staff inconsistency - policies not conducive to rehabilitation	independently resolved in favour complainant
1195 information request re outstanding provincial warrant	assisted resolution in favour complainant
1196 numerous complaints including insufficient visiting privileges and lack of segregation of dangerous inmates	assisted resolution in favour governmental organization
1197 medical treatment inadequate	assisted resolution in favour governmental organization
1198 medical treatment inadequate	independently resolved in favour complainant
1199 facilities and medical treatment inadequate	independently resolved in favour complainant
1200 dental treatment delayed	assisted resolution in favour complainant
1201 T.A.P. denied - employment	independently resolved in favour complainant
1202 medical treatment - nurse insufficiently sympathetic toward female inmates	assisted resolution in favour governmental organization
1203 extended stay in jail prior to deportation unlawful	independently resolved in favour complainant
1204 dental treatment - unnecessary extraction	withdrawn
1205 sick time forfeited	assisted resolution in favour complainant
1206 insufficient staff - unable to have days off when requested	assisted resolution in favour governmental organization

MILTON JAIL
WITHIN JURISDICTION

- 241 -

NO.	RESULT
1207 bugs and hairs in food	assisted resolution in favour complainant
1208 bugs and hairs in food	assisted resolution in favour complainant
1209 bugs and hairs in food	assisted resolution in favour complainant
1210 bugs and hairs in food	assisted resolution in favour complainant
1211 inadequate washing facilities	circumstances changed
1212 food	assisted resolution in favour complainant
1213 staff mistreatment	assisted resolution in favour governmental organization
1214 transfer delayed	independently resolved in favour complainant
1215 staff inconsistency - difficulties in obtaining cigarettes, newspapers, etc.	independently resolved in favour complainant
1216 medical treatment - doctor uncaring	assisted resolution in favour governmental organization
1217 numerous minor complaints	assisted resolution in favour governmental organization
1218 staff mistreatment - assaulted and harassed	withdrawn
1219 generally poor jail conditions	withdrawn
1220 deplorable general conditions	explanation given
1221 personal property missing, toothpaste out-of-date	assisted resolution in favour complainant
1222 medical treatment denied - library books needed replacement	assisted resolution in favour governmental organization
1223 staff inconsistency - correctional officer bothering inmate	circumstances changed
1224 staff inconsistency - facilities, privileges	abandoned
1225 food unpalatable	assisted resolution in favour complainant

MILTON JAIL

- 242 -

NO.	RESULT
1226 facilities inadequate - broken sink	independently resolved in favour complainant
1227 only one shower permitted per day	assisted resolution in favour governmental organization
1228 staff inconsistency - T.V. and radio programs	abandoned
1229 generally deplorable conditions including overcrowding and poor food	abandoned
1230 difficulty in relating to fellow inmates	circumstances changed
1231 restrictions on writing paper	assisted resolution in favour governmental organization
1232 medical treatment inadequate	assisted resolution in favour governmental organization
1233 staff attitude impolite	withdrawn
1234 misconduct conviction unfair	assisted resolution in favour governmental organization
1235 toothpaste out-of-date	independently resolved in favour complainant
1236 not permitted to visit incarcerated brother	assisted resolution in favour governmental organization
<u>JURISDICTION NOT DETERMINED</u>	
1237 unidentified complaint - request for help	abandoned

NORTH BAY JAILWITHIN JURISDICTION

1238 breakfast not served one morning	withdrawn
1239 dentures not yet fitted - needed extra tea during meals to help digest meals	assisted resolution in favour governmental organization
1240 doctor's order for extra liquids ignored by staff	circumstances changed
1241 feared personal injury because of rape sentence	independently resolved in favour complainant

NORTH BAY JAIL

- 243 -

NO.		RESULT
1242	allowed only four letters per week, eight sheets of writing paper	assisted resolution in favour governmental organization
1243	medical treatment lacking	assisted resolution in favour complainant
1244	staff inconsistency - harassment from Correctional Officers	withdrawn
1245	medical treatment not provided quickly; unable to rest during day because cell doors are locked	independently resolved in favour complainant
1246	staff inconsistency - food thrown against wall, segregated unfairly	assisted resolution in favour governmental organization
1247	staff inconsistency	circumstances changed
1248	<u>OUTSIDE JURISDICTION</u> difficulty obtaining legal representation (See Detailed Summary #39)	assisted resolution in favour complainant

JURISDICTION NOT DETERMINED

1249	general complaints	abandoned
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ORANGEVILLE JAIL

WITHIN JURISDICTION

1250	information request re transfer	inquiry made
1251	transfer denied to institution in Toronto area	independently resolved in favour complainant

OWEN SOUND JAIL

WITHIN JURISDICTION

1252	staff inconsistency - matron upset inmate unnecessarily	no solution identified
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PARRY SOUND JAIL
WITHIN JURISDICTION

- 244 -

NO.	RESULT
1253 medication denied	circumstances changed
1254 staff inconsistency - Correctional Officer assaulted inmate with a key	withdrawn
1255 T.A.P. denied	assisted resolution in favour governmental organization

PERTH JAIL

WITHIN JURISDICTION

1256 lack of regular exercise period	assisted resolution in favour governmental organization
1257 lack of recreation facilities	independently resolved in favour complainant
1258 lack of recreation programs	independently resolved in favour complainant
1259 food improperly prepared	independently resolved in favour complainant
1260 facilities inadequate - T.V.'s constantly broken	assisted resolution in favour governmental organization
1261 pens not available for letter writing	assisted resolution in favour governmental organization
1262 T.A.P. denied - pre-release of 30 days	circumstances changed
1263 staff inconsistency - too severely punished	withdrawn
1264 canteen - newspaper purchase	independently resolved in favour complainant
1265 transfer denied - overcrowding	independently resolved in favour complainant
1266 transfer - incorrect reclassification	independently resolved in favour complainant
1267 T.A.P. denied - pre-release	assisted resolution in favour complainant
1268 staff inconsistency - dealt with too severely	withdrawn
1269 food - getting worse	independently resolved in favour complainant

NO.

RESULT

PETERBOROUGH JAIL

WITHIN JURISDICTION

1270	medical treatment insufficient - medication for pain in leg	independently resolved in favour complainant
1271	harassment by correctional officer	abandoned
1272	information request re visit to wife's grave	inquiry made
1273	information request - transfer to Cornwall Jail in order to be close to mother	referred
1274	pushed by a correctional officer - leg injured	assisted resolution in favour complainant

ST. THOMAS JAIL

WITHIN JURISDICTION

1275	infrequency of showers - one every five days	independently resolved in favour complainant
1276	restricted diet of meat loaf while in segregation unnecessary	explanation given
1277	facilities generally inadequate	no solution identified
1278	wanted to wear own clothes in jail - permissible for remand inmates to do so	assisted resolution in favour complainant
1279	staff inconsistency - unusual and unfair security measures taken to ensure inmate does not contact other prisoners	assisted resolution in favour governmental organization

SARNIA JAIL

WITHIN JURISDICTION

1280	institution issued shoes are painful	independently resolved in favour complainant
1281	information request re status of transfer application	assisted resolution in favour complainant

SARNIA JAIL

- 246 -

NO.	RESULT
1282 staff inconsistency - unfair segregation	assisted resolution in favour governmental organization
1283 transfer delayed from jail to correctional centre	independently resolved in favour complainant
1284 staff inconsistency - writing paper refused	independently resolved in favour complainant
1285 staff inconsistency - clothing change requirements	withdrawn
1286 not allowed to work in the kitchen or laundry	assisted resolution in favour governmental organization
1287 transfer delayed	independently resolved in favour complainant
1288 staff mistreatment - abusive language	circumstances changed
1289 transfer delayed	assisted resolution in favour governmental organization
1290 special diet denied - ulcer	independently resolved in favour complainant
1291 medical treatment - doctor and nurse refused to see inmate	assisted resolution in favour governmental organization
1292 platform boots missing	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

1293 statutory remission time - lost 3/4 of his time for being unlawfully at large on T.A.P.	referred
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SAULT STE. MARIE JAIL

WITHIN JURISDICTION

1294 T.A.P. denied	assisted resolution in favour governmental organization
1295 various complaints including denial of medication, recreation procedure, visiting time, poor food, staff attitudes, staff inspection of lawyer-client correspondence	circumstances changed

SIMCOE JAIL

- 247 -

NO.

RESULT

WITHIN JURISDICTION

1296	showers and change of clothes too infrequent	independently resolved in favour complainant
1297	transfer delayed	independently resolved in favour complainant
1298	did not receive eye glasses	independently resolved in favour complainant
1299	unable to send uncensored letter to MPP unopened	assisted resolution in favour governmental organization
1300	information request re transfer and reclassification	inquiry made
1301	two showers a week insufficient	circumstances changed
1302	transfer to correctional centre delayed	withdrawn
1303	loss of statutory remission time	withdrawn
1304	personality conflict with correctional officer	refused to investigate or further investigate
1305	over-crowding and inadequate facilities	abandoned
1306	transfer delayed	independently resolved in favour complainant
1307	staff mistreatment re designation of work, availability of request forms, interference with T.V. programs	assisted resolution in favour governmental organization
1308	food of poor quality	assisted resolution in favour governmental organization

STRATFORD JAIL

WITHIN JURISDICTION

1309	medical treatment unsatisfactory	assisted resolution in favour governmental organization
1310	information request - sentenced prisoners not allowed canteen privileges	advice given

STRATFORD JAIL

- 248 -

NO.	RESULT
1311 facilities inadequate - cells too cold, T.V. turned off at 9 p.m. on weekends	circumstances changed
1312 information request re date of transfer to Guelph Correctional Centre	inquiry made

SUDBURY JAIL

WITHIN JURISDICTION

1313 prejudicial treatment by staff	withdrawn
1314 transfer approved unjustly to North Bay Psychiatric Hospital	assisted resolution in favour governmental organization
1315 harassment and mistreatment by staff	circumstances changed
1316 medical treatment inadequate	circumstances changed

THUNDER BAY JAIL

WITHIN JURISDICTION

1317 telephone privileges unfairly administered	assisted resolution in favour governmental organization
1318 recreational program unavailable	independently resolved in favour complainant
1319 short term inmates incarcerated with those on long remand	independently resolved in favour complainant
1320 T.A.P. denied	circumstances changed
1321 medical treatment inadequate	assisted resolution in favour governmental organization
1322 internal reclassification denied - removed from school program	assisted resolution in favour governmental organization
1323 staff inconsistency - not permitted to bring hearing documents into corridor area	assisted resolution in favour complainant
1324 treatment unreasonable - wished to speak to another inmate	independently resolved in favour complainant

THUNDER BAY JAIL

- 249 -

NO.	RESULT
1325 requested by Superintendent to use as return address his home address, not that of the jail	independently resolved in favour complainant

TORONTO JAIL

WITHIN JURISDICTION

1326 allegation of assault by Correctional Officers (See Detailed Summary #43)	assisted resolution in favour complainant
1327 time spent as psychiatric orderly not indicated on inmate work record (See Detailed Summary #33)	assisted resolution in favour complainant
1328 facilities inadequate - mice in cells	assisted resolution in favour complainant
1329 food either undercooked or overcooked	assisted resolution in favour complainant
1330 delayed parole hearing	independently resolved in favour complainant
1331 insufficient changes of clothing	assisted resolution in favour complainant
1332 medical treatment - eyeglasses need to be replaced	advice given
1333 broken eyeglasses could not be replaced until inmate is sentenced	assisted resolution in favour complainant
1334 not able to comply with T.A.P. return date because of incarceration	independently resolved in favour complainant
1335 transfer delayed	assisted resolution in favour complainant
1336 transfer approved to Toronto Jail without inmate's knowledge or approval	assisted resolution in favour governmental organization
1337 medical treatment - myelogram shown to be necessary from prior records held at other correctional institution	assisted resolution in favour governmental organization
1338 assistance requested for transfer to Guelph Correctional Centre	referred
1339 information request re fears of being re-admitted to Toronto Jail	inquiry made

TORONTO JAIL

- 250 -

NO.	RESULT
1340 assistance requested re transfer	assisted resolution in favour complainant
1341 food - vegetarian diet not provided	abandoned
1342 medical treatment - surgery delayed until inmate is sentenced	independently resolved in favour complainant
1343 assistance requested in obtaining copy of Martin's Criminal Code	abandoned
1344 medical treatment unsatisfactory - personal property confiscated	assisted resolution in favour governmental organization
1345 transfer denied to institution to serve sentence	independently resolved in favour complainant
1346 incentive allowance denied for time spent in Toronto Jail	assisted resolution in favour governmental organization
1347 medical treatment denied	independently resolved in favour complainant
1348 staff inconsistency - not allowed guitars and amplifiers in jail	withdrawn
1349 information requested re husband's status	inquiry made/referred
1350 medical treatment unavailable for cuts	assisted resolution in favour complainant
1351 psychiatric treatment inadequate	assisted resolution in favour governmental organization
1352 assaulted correctional officer	abandoned
1353 medical treatment - denied methadone program	independently resolved in favour complainant
1354 drug addiction treatment inadequate	circumstances changed
1355 proposal for additions to canteen list	assisted resolution in favour governmental organization
1356 alleged assault by correctional officers	withdrawn
1357 information request - discharge date	inquiry made

NO.	RESULT
1358 medical treatment - difficulty in obtaining glasses	assisted resolution in favour governmental organization
1359 submission of letter outlining positive aspects of Toronto Jail (See Detailed Summary #42)	listened
1360 transfer delayed	assisted resolution in favour complainant
1361 medical treatment not provided for abdominal complaint	independently resolved in favour complainant
1362 sentence calculated incorrectly	assisted resolution in favour governmental organization
1363 assistance requested for internal reclassification	referred
1364 T.A.P. denied - visit fiancée	assisted resolution in favour governmental organization
1365 suggestion that a certain security door be kept shut to prevent inmates from harassing one another	withdrawn
1366 medical treatment - refusal to send for medical records or to perform a needed operation	assisted resolution in favour governmental organization
1367 staff inconsistency - provocation by Correctional Officer and medical treatment unavailable	abandoned
1368 medical treatment lacking - social worker unavailable	assisted resolution in favour governmental organization
1369 correspondence not permitted between inmates at different institutions	assisted resolution in favour governmental organization
1370 medical treatment insufficient	abandoned
1371 mail to Ombudsman read by Superintendent	assisted resolution in favour governmental organization
1372 medical treatment not available promptly in the case of emergencies	assisted resolution in favour governmental organization
1373 medical treatment inadequate	circumstances changed

NO.	RESULT
1374 parole papers misplaced	assisted resolution in favour governmental organization
1375 medical treatment inadequate - skin rash	assisted resolution in favour complainant
1376 loss of personal property	assisted resolution in favour governmental organization
1377 medical treatment - psychiatric assessment disregarded	assisted resolution in favour complainant
1378 transfer from forestry camp. unfair and unjust	assisted resolution in favour governmental organization
1379 medical treatment improper	assisted resolution in favour governmental organization
1380 staff inconsistency - Correctional Officer assault and harassment	withdrawn
1381 assistance requested to transfer to Guelph	assisted resolution in favour complainant
1382 staff inconsistency - inmate served cold food, lights left on 24 hours, clothing not provided	assisted resolution in favour governmental organization
1383 medical treatment inadequate	assisted resolution in favour complainant
1384 food quality and portions inadequate	explanation given
1385 medical treatment inadequate	circumstances changed
1386 transfer delayed	independently resolved in favour complainant
1387 transfer delayed	independently resolved in favour complainant
1388 medical treatment denied - corrective surgery on knee	assisted resolution in favour complainant
1389 unjust punishment	abandoned
1390 medical treatment inadequate	assisted resolution in favour governmental organization
1391 transfer request	circumstances changed

TORONTO JAIL

- 253 -

NO.	RESULT
1392 medical treatment - sexual problems	assisted resolution in favour complainant
1393 staff inconsistency - ex-inmate allowed to visit present inmate	assisted resolution in favour governmental organization
1394 medical treatment - refused sleeping pills	independently resolved in favour complainant
1395 treatment unreasonable - had been kicked during epileptic fits	assisted resolution in favour governmental organization
1396 medical treatment - wanted to see own doctor	independently resolved in favour complainant
1397 inmate's life believed to be endangered	circumstances changed
1398 wanted transfer to O.C.I. for treatment	assisted resolution in favour governmental organization
1399 beaten up by inmates in visiting room while held by staff	withdrawn
1400 staff inconsistency - inmate not given breakfast	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

1401 concern regarding outcome of court proceedings on charge of escape	referred
1402 compensation for wages lost during seven month period awaiting trial in custody	advice given
1403 T.A.P. delayed - Christmas	independently resolved in favour complainant

JURISDICTION NOT DETERMINED

1404 illegible complaint	abandoned
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VANIER CENTRE FOR WOMEN

WITHIN JURISDICTION

1405 T.A.P. delayed - employment	assisted resolution in favour complainant
1406 T.A.P. denied	assisted resolution in favour governmental organization

VANIER CENTRE FOR WOMEN

- 254 -

NO.	RESULT
1407 wanted lover transferred to cottage	inquiry made
1408 staff inconsistency - levying harsh punishment for institutional misconduct	assisted resolution in favour governmental organization
1409 clerk failed to properly record deposits made to trust account	assisted resolution in favour governmental organization
1410 staff inconsistency - activities suspended unnecessarily for drug search	assisted resolution in favour governmental organization
1411 assistance requested - internal reclassification	circumstances changed
1412 T.A.P. denied - suspicion of drug possession	assisted resolution in favour governmental organization
1413 staff inconsistency - discrepancy in misconduct dispositions given to inmates	assisted resolution in favour governmental organization
1414 staff inconsistency - placed in segregation unnecessarily	assisted resolution in favour governmental organization
1415 correspondence sent from Vanier to Millbrook inmate returned without explanation	assisted resolution in favour complainant
1416 T.A.P. - wanted to work in another city	assisted resolution in favour complainant
1417 information request re T.A.P. application procedure - employment	inquiry made/referred

WALKERTON JAIL

WITHIN JURISDICTION

1418 dental treatment for aching gums not provided	independently resolved in favour complainant
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OUTSIDE JURISDICTION

1419 wanted transfer to other jail	inquiry made
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WHITBY JAIL
WITHIN JURISDICTION

- 255 -

NO.	RESULT
1420 T.A.P. denied - pre-release	assisted resolution in favour governmental organization
1421 medical treatment - improper attention given	assisted resolution in favour governmental organization
1422 T.A.P. denied - employment	assisted resolution in favour governmental organization
1423 facilities inadequate - clothing issue deplorable	circumstances changed
1424 information request re/ transfer, release date possible	inquiry made
1425 staff inconsistency - put in segregation without explanation	withdrawn
1426 transfer to Kingston Penitentiary delayed	assisted resolution in favour complainant
1427 transfer to Toronto Jail to face charges delayed	independently resolved in favour complainant
1428 refusal to clean living quarters resulted in unjust punishment	assisted resolution in favour governmental organization
1429 medical treatment insufficient - medication for pain	assisted resolution in favour complainant
1430 assistance requested for transfer to G.A.T.U.	independently resolved in favour complainant
1431 medical treatment inadequate	circumstances changed
1432 failure to file appeal papers	assisted resolution in favour governmental organization

WINDSOR JAIL

WITHIN JURISDICTION

1433 transfer to institution delayed	independently resolved in favour complainant
1434 pregnant inmate wished cell door left open during day in order to rest	independently resolved in favour complainant
1435 inmate required to pay for dental treatment	independently resolved in favour complainant

WINDSOR JAIL

- 256 -

NO.	RESULT
1436 medical treatment inadequate	assisted resolution in favour governmental organization
1437 medical treatment inadequate	circumstances changed
1438 medical treatment inadequate	assisted resolution in favour governmental organization
1439 medical treatment - nurse on duty abusive and unfair	assisted resolution in favour governmental organization
1440 did not want to be transferred any more	assisted resolution in favour governmental organization

COMMUNITY RESOURCE CENTRE

WITHIN JURISDICTION

1441 requested an interview	withdrawn
1442 sports equipment not provided at Red Lake C.R.C.	assisted resolution in favour complainant

ONTARIO BOARD OF PAROLE

WITHIN JURISDICTION

1443 information request re obtaining parole	inquiry made/referred
1444 parole denied	assisted resolution in favour governmental organization
1445 wanted to appear at Parole Board hearing	assisted resolution in favour complainant
1446 wanted investigation into reasons parole was denied	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

1447 information request	referred
1448 requested assistance regarding a parole denial	inquiry made/referred

MINISTRY OF
CULTURE & RECREATION

- 257 -

NO.

RESULT

WITHIN JURISDICTION

- | | | |
|------|---|---|
| 1449 | delay in receiving reimbursement from Ministry | assisted resolution in favour complainant |
| 1450 | financial support lacking for small community libraries | independently resolved in favour complainant |
| 1451 | alleged illegal acquisition of newspapers | assisted resolution in favour governmental organization |

OUTSIDE JURISDICTION

- | | | |
|------|---|----------|
| 1452 | defects contained in School Boards and Teachers Collective Negotiations Act | referred |
|------|---|----------|

ONTARIO LOTTERY CORPORATION

WITHIN JURISDICTION

- | | | |
|------|---|---|
| 1453 | Wintario book of tickets not in accordance with random selection (See Detailed Summary #44) | assisted resolution in favour governmental organization |
| 1454 | information request re Wintario | referred |
| 1455 | inconvenience of proving identity to claim lottery prize | assisted resolution in favour governmental organization |
| 1456 | winning Wintario ticket destroyed | assisted resolution in favour governmental organization |
| 1457 | application for employment denied | assisted resolution in favour governmental organization |

OUTSIDE JURISDICTION

- | | | |
|------|--|----------|
| 1458 | Wintario profits should be used to counterbalance recent hospital cutbacks | referred |
| 1459 | lotteries harmful to habitual gamblers | referred |

MINISTRY OF
EDUCATION

- 258 -

NO.

RESULT

WITHIN JURISDICTION

1460	refusal to issue a teaching certificate	assisted resolution in favour complainant
1401	delay in hearing from Ministry regarding upgraded teaching certificate	assisted resolution in favour complainant
1462	refusal to grant financial assistance under Program "60"	assisted resolution in favour governmental organization
1463	information request - how to set up a private school	referred
1464	Islam image is distorted in some school textbooks	assisted resolution in favour governmental organization
1465	delay in letter of authorization to teach in Ontario	assisted resolution in favour complainant
1466	inequities suffered due to changes in Teacher Pension Plan	assisted resolution in favour governmental organization
1467	feared there was something on file that was blocking her endeavours in obtaining a position	assisted resolution in favour governmental organization
1468	more comprehensive insurance policy available (See Detailed Summary #47)	assisted resolution in favour complainant
1469	continued suspension of teaching certificates due to conviction in U.S. court (See Detailed Summary #49)	assisted resolution in favour complainant
1470	letter of standing arbitrarily denied	assisted resolution in favour governmental organization
1471	no credit for accumulated sick leave credits on retirement	abandoned
1472	difficulty in securing teaching position due to suspension of documents of approval and adverse criticism in file	assisted resolution in favour governmental organization
1473	obtaining teaching certification	assisted resolution in favour governmental organization
1474	refusal to grant permanent teaching certificate to non-Canadian (See Detailed Summary #48)	assisted resolution in favour governmental organization

MINISTRY OF
EDUCATION

- 259 -

NO.

RESULT

OUTSIDE JURISDICTION

- | | | |
|------|---|-------------------|
| 1475 | legislation governing equivalency of educational qualifications discriminates against Registered Industrial Accountants | referred |
| 1476 | unfair hiring practices | referred |
| 1477 | reduction of capital cost grant for construction of French language School (See Detailed Summary #45) | explanation given |
| 1478 | reduction of capital cost grant for construction of French language School (See Detailed Summary #45) | explanation given |
| 1479 | decision of Cabinet not to fund private schools in Province unjust | explanation given |
| 1480 | inquiry concerning electoral provisions under Education Act | referred |
| 1481 | exorbitant cost of education | referred |
| 1482 | refusal to allow religions other than Roman Catholic to establish own schools | explanation given |
| 1483 | ineligibility for cash gratuity payment | explanation given |
| 1484 | testing of attitude prior to studying French should be discontinued | referred |
| 1485 | unfair pension benefits | referred |
| 1486 | discrimination against mobile home owners under Education Act | explanation given |

TEACHER'S SUPERANNUATION
COMMISSION

WITHIN JURISDICTION

- | | | |
|------|---|---|
| 1487 | commission request for interest payment on money refunded in error (See Detailed Summary #46) | assisted resolution in favour complainant |
|------|---|---|

TEACHER'S SUPERANNUATION
COMMISSION

- 260 -

NO.

RESULT

1488 pension deductions declared non-refundable

assisted resolution in
favour governmental organization

NO. RESULT

OUTSIDE JURISDICTION

1489 Government should establish a central energy explanation given
authority - especially for petroleum

ONTARIO ENERGY BOARD

WITHIN JURISDICTION

1490 inadequate compensation for costs incurred assisted resolution in
during O.E.B. hearing favour governmental organization

OUTSIDE JURISDICTION

1491 discrepancies in gasoline prices referred

ONTARIO HYDRO

WITHIN JURISDICTION

1492 disconnected service for non-payment of refused to investigate
account or further investigate

1493 ordered to vacate trailer park assisted resolution in
favour complainant

1494 dam responsible for erosion of two to four assisted resolution in
acres of land over past 36 years (See favour governmental organization
Detailed Summary #50)

1495 hydro unwilling to provide service to barn assisted resolution in
favour governmental organization

1496 information request re right of survey and explanation given
work crews to enter private property

1497 contamination of water due to treatment of assisted resolution in
hydro pole with chemical (See Detailed favour governmental organization
Summary #51)

1498 decision concerning property trade inquiry made

1499 information request re unnecessary explanation given
enforcement of regulations

1500 overcharged for construction work assisted resolution in
(See Detailed Summary #53) favour complainant

NO.	RESULT
1501 believed hydro meter was malfunctioning	assisted resolution in favour governmental organization
1502 no action taken on charges of illegal distribution of approved electrical equipment	assisted resolution in favour governmental organization
1503 not compensated fully for approved hydro contract work	assisted resolution in favour governmental organization
1504 easement crowded by hydro poles which are improperly placed	assisted resolution in favour governmental organization
1505 placement of power lines	assisted resolution in favour governmental organization
1506 delay in receiving refund on capital contribution	independently resolved in favour complainant
1507 termination of lease	circumstances changed
1508 worried about spouse's pension being inadequate	withdrawn
1509 excessive fee charged on lamps produced as a hobby	assisted resolution in favour complainant
1510 request for hydro supply	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

1511 inadequate compensation for expropriated property	referred
1512 hydro required for township	referred
1513 expropriation dispute	referred
1514 authorized to begin employment by union, however, hydro refused him a position (See Detailed Summary #52)	inquiry made/referred
1515 inadequate compensation for expropriated land	referred

MINISTRY OF
THE ENVIRONMENT

- 263 -

NO.

RESULT

WITHIN JURISDICTION

1516	denial of sewage and water services due to reduced grants	assisted resolution in favour complainant
1517	dust and traffic problems resulting from sewer construction job	assisted resolution in favour complainant
1518	refusal to grant subsidy on cost of sewer installation	assisted resolution in favour governmental organization
1519	delay in settling amounts owing as the result of an easment sold to the Ministry in 1974	independently resolved in favour complainant
1520	lowered ground water level due to nearby gravel pit	circumstances changed
1521	financial loss due to sale of neighbour's property to Ministry	abandoned
1522	information request - how to fill hole on property	referred
1523	information request - relocation of easement	inquiry made
1524	information request - easement required in area	inquiry made
1525	difficulty in obtaining a payment for an easement (See Detailed Summary #56)	assisted resolution in favour complainant
1526	leakage of sewage due to a faulty septic tank system	assisted resolution in favour governmental organization
1527	lack of sewage system constituted a health problem	refused to investigate or further investigate
1528	failure to include restrictions on certificate of approval	assisted resolution in favour complainant
1529	delay in response to a request for financial assistance for well construction	independently resolved in favour complainant
1530	change in location of land fill access road	abandoned

MINISTRY OF
THE ENVIRONMENT

- 264 -

NO.	RESULT
1531 home improvements impossible because new sewer was above basement drain level (See Detailed Summary #54)	assisted resolution in favour complainant
1532 low water pressure and inadequate water supply in subdivision (See Detailed Summary #55)	assisted resolution in favour complainant
1533 delay in answering letter	assisted resolution in favour complainant
1534 promotion withheld due to discrimination	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

1535 delay in completion of municipal sewer due to government austerity program	explanation given
1536 easement-payment unresolved and land restoration unsatisfactory	inquiry made
1537 failure to control burning of garbage at waste disposal site	inquiry made
1538 loss of Tender Deposit	explanation given
1539 refusal to compensate for backed up sewers caused while Ministry performing cleaning operations	referred
1540 request assistance in filing claim under Public Works Creditors Payment Act	independently resolved in favour complainant
1541 bottle refunds unfair to small store owners	referred
1542 prevented from participating in Ministry contract work	inquiry made/referred
1543 lack of water supply	independently resolved in favour complainant
1544 appealing rejection of installation of sewage system	explanation given
1545 wanted a hearing on the merits and requirements of pollution tests	explanation given
1546 Ontario Water Resources Commission lagoons affected creek	inquiry made/referred

MINISTRY OF
THE ENVIRONMENT

- 265 -

NO.

RESULT

1547 expressed concern over Ministry report

referred

MINISTRY OF
GOVERNMENT SERVICES

- 266 -

NO.

RESULT

WITHIN JURISDICTION

1548	unable to obtain information about Lots by Concession and a book entitled 'Indians of Ontario' (See Detailed Summary #59)	assisted resolution in favour complainant
1549	delay in receiving replacement for lost cheque	independently resolved in favour complainant
1550	unfair removal of 'Bid Bonds' from Bid tendering process involved in application for government contracts	withdrawn
1551	forced to sell land with resulting financial loss (See Detailed Summary #60)	recommendation denied
1552	delay in payment of holiday and superannuation monies	assisted resolution in favour governmental organization
1553	delay in completion of land purchase (See Detailed Summary #60)	assisted resolution in favour complainant
1554	refused permission to cash payroll savings plan bonds prior to termination of employment	assisted resolution in favour complainant
1555	inadequate pension	abandoned
1556	felt his small parcel of land had been obtained under false pretenses	abandoned
1557	excessive delay in transferring pensionable service	independently resolved in favour complainant
1558	inadequate pension	withdrawn
1559	denial of insurance benefits	assisted resolution in favour complainant
1560	section 16 of Public Service Superannuation Act too restrictive with regard to re-employed provincial superannuates (See Detailed Summary #57)	assisted resolution in favour complainant
1561	no reply to correspondence concerning pension benefits	assisted resolution in favour complainant
1562	delay in receiving full pension payments	independently resolved in favour complainant

MINISTRY OF
GOVERNMENT SERVICES

- 267 -

NO.	RESULT
1563 arrears for war service should be based on a different salary level (See Detailed Summary #62)	assisted resolution in favour governmental organization
1564 allowed only 22 years pensionable credits after 45 years of work (See Detailed Summary #58)	assisted resolution in favour governmental organization
1565 refused to accept pension credits after three month lay off	assisted resolution in favour governmental organization
1566 denied application to make up payments	refused to investigate or further investigate
1567 discriminatory pension policy	assisted resolution in favour governmental organization
1568 refusal to grant pension benefits under Public Service Superannuation Act	assisted resolution in favour governmental organization
1569 difficulty in buying back public service superannuation credits	inquiry made
1570 felt dismissal contrary to Public Services Act	assisted resolution in favour governmental organization
1571 loss of employment due to age discrimination at reaching age of 70	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

1572 memoranda that could be detrimental retained in personnel file	advice given
1573 regulations in the Superannuation Act created an injustice	referred
1574 Public Service Superannuation Act did not allow transfer of pension credits	inquiry made/referred
1575 income restrictions applying to pensioners who return to work were unclear	assisted resolution in favour governmental organization
1576 employees performing war related work as civilians rather than in-service military personnel not eligible for public service superannuation benefits	referred
1577 Public Service Superannuation Act discriminates because of age	assisted resolution in favour governmental organization

MINISTRY OF
GOVERNMENT SERVICES

- 268 -

NO.

RESULT

1578 requested intervention in the decision to inquiry made
demolish the 1846 building at 999 Queen
St.W. (See Detailed Summary #61)

1579 inadequate compensation for land inquiry made
expropriation

1580 unsatisfactory expropriation offer referred

OUTSIDE JURISDICTION

1581 dissatisfaction with Public Service referred
Superannuation Act

1582 dissatisfaction with Public Service referred
Superannuation Act

NO.

RESULT

WITHIN JURISDICTION

1583	premature discharge from psychiatric hospitals	refused to investigate or further investigate
1584	application for boarding home licence denied	assisted resolution in favour complainant
1585	because of previous nursing experience, felt she should be exempted from writing R.N. exam	assisted resolution in favour governmental organization
1586	information requested re difficulties in obtaining registration as RNA	inquiry made/referred
1587	employment records held by Ministry made job search difficult	assisted resolution in favour governmental organization
1588	delay in receiving Senior Citizen's Privilege card	assisted resolution in favour governmental organization
1589	inability to review a complaint prior to July 14, 1975	assisted resolution in favour governmental organization
1590	information request - redress for legal and other expenses incurred during appeal	inquiry made
1591	information request re obtaining finances for a homemaker	inquiry made/referred
1592	delay in payment of holiday and superannuation monies	assisted resolution in favour governmental organization
1593	unfair dismissal from nursing home	abandoned
1594	unjustly dismissed from medical consultant position (See Detailed Summary #71)	assisted resolution in favour governmental organization
1595	delay in receiving Senior Citizens Privilege card	assisted resolution in favour complainant
1596	general concerns raised about the vitamin issue	refused to investigate or further investigate
1597	complaint dismissed by Health Disciplines Board	assisted resolution in favour governmental organization

MINISTRY OF
HEALTH

- 270 -

NO.	RESULT
1598	delay in building project resulting in financial loss to contractor (See Detailed Summary #66) assisted resolution in favour governmental organization
1599	information request re competency in filing for divorce explanation given
1600	job resignation unopposed by Ministry officials withdrawn
1601	information request re financial assistance for disability inquiry made/referred
1602	unable to obtain retroactive refund for drug prescription under Drug Benefit Plan assisted resolution in favour governmental organization
1603	medical necessity of teeth extraction in hospital (See Detailed Summary #72) assisted resolution in favour governmental organization
1604	inability to get financial information regarding nursing homes independently resolved in favour complainant
1605	re-evaluation of minimum qualifications may have disqualified him abandoned
1606	victim of injustice abandoned
1607	misconduct on the part of the Registrar of Board of Administrators under Embalmers and Funeral Directors Act abandoned
1608	little reaction concerning research paper on diabetes refused to investigate or further investigate
1609	information request - acupuncture inquiry made
1610	information request - complaint procedure for hazardous work material inquiry made/referred
1611	information request - contact with Addiction Research Foundation inquiry made/referred
1612	inadequate compensation for private ambulance service assisted resolution in favour governmental organization
1613	dissatisfaction with drug benefits program withdrawn

MINISTRY OF
HEALTH

- 271 -

NO.		RESULT
1614	information request regarding post-operative home care	inquiry made/referred
1615	alleged favouritism in awarding of ambulance services contract	assisted resolution in favour governmental organization
1616	issuance of nursing home licence	assisted resolution in favour governmental organization
1617	information request - ministerial policy and chronic psychiatric patients	inquiry made/referred

OUTSIDE JURISDICTION

1618	low priority given training of osteopaths in Ontario	advice given
1619	objections to "capitation" program	inquiry made/referred
1620	discriminatory hiring practices for ambulance driver attendant	referred
1621	lack of chronic care facilities in Marathon area	referred
1622	incorrect pay cheque	inquiry made/referred
1623	payment for relocating costs - home not habitable due to radiation contamination	referred
1624	legislation re health disciplines allowed regulatory bodies to deny licences to qualified practitioners in the interest of maintaining a professional monopoly	inquiry made
1625	dissatisfied with financial cut-backs to hospitals	referred
1626	drug benefit plan effective two months after retirement	referred
1627	inadequate treatment available for mentally ill	referred
1628	delay in answer as to the legality of two members of the Chiropractic Review Committee who were also on the board of Regents	inquiry made

MINISTRY OF
HEALTH

- 272 -

NO.	RESULT
1629 hospital budget cut-backs	referred
<u>JURISDICTION NOT DETERMINED</u>	
1630 no complaint specified	listened
<u>BROCKVILLE PSYCHIATRIC HOSPITAL</u>	
<u>WITHIN JURISDICTION</u>	
1631 discriminatory hiring practices	assisted resolution in favour governmental organization
1632 unjustly not hired	independently resolved in favour complainant
1633 complainant mistreated and finger prints taken	listened
<u>OUTSIDE JURISDICTION</u>	
1634 incident occurred during treatment of patient that involved altering the records which could reflect on professional competence of doctor	advice given
<u>HAMILTON PSYCHIATRIC HOSPITAL</u>	
<u>WITHIN JURISDICTION</u>	
1635 general care inadequate	assisted resolution in favour governmental organization
<u>LAKEHEAD PSYCHIATRIC HOSPITAL</u>	
<u>WITHIN JURISDICTION</u>	
1636 request for removal from behaviour modification program	independently resolved in favour complainant
1637 involuntary confinement and treatment (See Detailed Summary #76)	assisted resolution in favour governmental organization

NO.

RESULT

LAKESHORE PSYCHIATRIC HOSPITAL

WITHIN JURISDICTION

1638 unsatisfactory medical treatment	assisted resolution in favour governmental organization
1639 inadequate staff supervision of patient (See Detailed Summary #69)	assisted resolution in favour complainant
1640 alleged confinement not legal	withdrawn
1641 daughter's escape from hospital and subsequent suicide (See Detailed Summary #63)	assisted resolution in favour governmental organization
1642 assistance requested in obtaining release from hospital	assisted resolution in favour complainant
1643 facilities inadequate - including specific observations regarding separation of patients, fire hazards	assisted resolution in favour governmental organization
1644 circumstances concerning involuntary committal	assisted resolution in favour governmental organization
1645 patient supervision inadequate resulting in son's escape and subsequent suicide	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

1646 staff mistreatment - forced committal	inquiry made
1647 involuntary patient refused permission to leave (See Detailed Summary #79)	assisted resolution in favour complainant

LONDON PSYCHIATRIC HOSPITAL

WITHIN JURISDICTION

1648 information request - why transferred to a correctional centre and why letters not answered	inquiry made
1649 staff mistreatment, abusive behaviour and interference with mail	withdrawn

NO.	RESULT
<u>MENTAL HEALTH CENTRE</u> <u>- PENETANGUISHENE</u> <u>WITHIN JURISDICTION</u>	
1650 transfer delayed	inquiry made
1651 wanted medication stopped	assisted resolution in favour governmental organization
1652 attacked and beaten unconscious by staff	assisted resolution in favour governmental organization
1653 staff inconsistency - unnecessary force used	withdrawn
1654 illegal committal	assisted resolution in favour governmental organization
1655 use of patient therapists	circumstances changed
1656 restriction of business visits when patient undergoing active treatment	assisted resolution in favour complainant
1657 being drugged by devious means	assisted resolution in favour governmental organization
1658 transfer to Queen St. Mental Health Centre delayed without explanation	independently resolved in favour complainant
1659 assistance requested in getting son's medical records	assisted resolution in favour complainant
1660 chemical toilets should be removed from ward during meal time (See Detailed Summary #68)	assisted resolution in favour complainant
1661 correspondence to lawyer tampered with	assisted resolution in favour governmental organization
1662 difficulties in obtaining a transfer from therapy to work area	inquiry made
1663 transfer denied to other mental hospital	assisted resolution in favour complainant
1664 no anaesthetic used during local surgery, shock treatments caused loss of memory	assisted resolution in favour governmental organization
1665 personal property mislaid	assisted resolution in favour complainant

MENTAL HEALTH CENTRE
- PENETANGUISHENE

- 275 -

NO.	RESULT
1666 doctors refused to release documents to patient	assisted resolution in favour governmental organization
1667 held unnecessarily in centre	assisted resolution in favour governmental organization
1668 information request - transfer to regional hospital	inquiry made
1669 transfer delayed	independently resolved in favour complainant
1670 information request - ward duties overlapping onto personal therapy program	advice given
1671 general difficulty coping with new environment - complaints not specific	refused to investigate or further investigate
1672 information request - patient being held on authority of specially amended warrant	inquiry made
1673 extreme penalty for horseplay in the ward	assisted resolution in favour governmental organization
1674 internal relocation unjustified	assisted resolution in favour governmental organization
1675 staff interferences during girlfriend's visits	refused to investigate or further investigate
1676 physical abuse by staff	refused to investigate or further investigate
1677 loss of privileges	assisted resolution in favour governmental organization
1678 desire for transfer to less secure facility	circumstances changed
1679 information request - visiting procedures at Oak Ridge Centre	inquiry made
1680 transfer denied	assisted resolution in favour governmental organization
1681 unusually rough treatment in MAP program (See Detailed Summary #65)	assisted resolution in favour complainant

OUTSIDE JURISDICTION

1682 assistance requested in obtaining release	advice given
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MENTAL HEALTH CENTRE
- PENETANGUISHENE

- 276 -

NO.		RESULT
1683	information request - next Review Board Hearing, medical and legal assistance	inquiry made/referred
1684	third party complaint that certain individual was not certifiable and ought not to be kept in hospital	abandoned
1685	third party was attacked and beaten unconscious	inquiry made
1686	medical treatment for purposes of court evidence denied	referred

NORTH PAY PSYCHIATRIC HOSPITAL

WITHIN JURISDICTION

1687	patient's mail censored, patient force-fed	assisted resolution in favour governmental organization
1688	assistance requested in recovering missing clothing	independently resolved in favour complainant
1689	requested discharge from hospital and location in a home in Toronto	withdrawn
1690	social deprivation program	refused to investigate or further investigate

QUEEN STREET MENTAL
HEALTH CENTRE

WITHIN JURISDICTION

1691	admission incorrect	abandoned
1692	use of psycho-surgery	assisted resolution in favour governmental organization
1693	proposed transfer to Penetanguishene (See Detailed Summary #64)	assisted resolution in favour complainant
1694	unjustified transfer to Penetanguishene (See Detailed Summary #64)	assisted resolution in favour complainant
1695	medical treatment inadequate	assisted resolution in favour complainant

QUEEN STREET MENTAL
HEALTH CENTRE

- 277 -

NO.

RESULT

1696 assistance requested to replace dentures

assisted resolution in
favour governmental organization

ST. THOMAS PSYCHIATRIC
HOSPITAL

WITHIN JURISDICTION

1697 correspondence illegally opened before it is
sent by hospital, unable to make phone
calls (See Detailed Summary #74)

assisted resolution in
favour governmental organization

1698 general problems connected with period of
committal withdrawn

WHITBY PSYCHIATRIC HOSPITAL

WITHIN JURISDICTION

1699 possible negligence in father's death

inquiry made/referred

1700 problems adjusting to out-patient status

explanation given

1701 unjust committal - resultant bankruptcy

refused to investigate
or further investigate

1702 poisonous medicine administered by staff

refused to investigate
or further investigate

1703 personal property withheld

refused to investigate
or further investigate

1704 forceful administration of drugs

assisted resolution in
favour governmental organization

1705 renewal of certificate of involuntary
admission

refused to investigate
or further investigate

ONTARIO HEALTH
INSURANCE PLAN

WITHIN JURISDICTION

1706 premium assistance application delayed (See
Detailed Summary #70)

independently resolved in
favour complainant

1707 refusal to pay ambulance transfer charges
(See Detailed Summary #78)

assisted resolution in
favour complainant

ONTARIO HEALTH
INSURANCE PLAN

- 278 -

NO.	RESULT
1708 delay in receipt of payment	independently resolved in favour complainant
1709 part of accident settlement appropriated by OHIP	assisted resolution in favour governmental organization
1710 payment from OHIP overdue because of non-receipt of claims cards	assisted resolution in favour governmental organization
1711 non-payment of certain codes on recent claim cards	assisted resolution in favour governmental organization
1712 difficulties in receiving mail and having premium remittances cashed	assisted resolution in favour complainant
1713 information request - insurance coverage	assisted resolution in favour complainant
1714 no OHIP coverage provided for hydrotherapy institute	refused to investigate or further investigate
1715 cancelled subscription but deductions still taken off salary	assisted resolution in favour complainant
1716 delay in payment of out-of-province claim (See Detailed Summary #77)	assisted resolution in favour complainant
1717 information request - coverage of common-law spouse	inquiry made/referred
1718 information request - OHIP coverage and doctors services	inquiry made/referred
1719 information request - medical coverage	independently resolved in favour complainant
1720 delay in receiving refund for premiums paid	independently resolved in favour complainant
1721 assistance requested in establishing existence of coverage and reimbursement for ambulance charges	independently resolved in favour complainant
1722 application for premium assistance delayed in processing	assisted resolution in favour complainant
1723 assistance needed with regard to unpaid doctor's bill	abandoned
1724 request explanation for lack of coverage under plan	withdrawn

ONTARIO HEALTH
INSURANCE PLAN

- 279 -

NO.	RESULT
1725 eligibility for missionaries on assignment outside of Canada (See Detailed Summary #67)	assisted resolution in favour complainant
1726 delay in payments for medical and hospital costs (See Detailed Summary #73)	assisted resolution in favour complainant
1727 needed premium assistance	assisted resolution in favour governmental organization
1728 particular institute of hydrotherapy not covered	withdrawn
1729 payment of large sum from the costs awarded as a result of civil action	assisted resolution in favour governmental organization
1730 information request - financial assistance for chronic admission	inquiry made/referred
1731 refusal to pay for medical expenses	assisted resolution in favour complainant
1732 unable to obtain refund for over-payment	independently resolved in favour complainant
1733 not reimbursed for double coverage (See Detailed Summary #75)	assisted resolution in favour complainant
1734 information request - entitlement of coverage for student abroad	inquiry made/referred
1735 refused to pay for visits in another province	assisted resolution in favour complainant
1736 information request - explanation as to why a sizeable remittance was required	inquiry made/referred
1737 nursing home care required by elderly couple	independently resolved in favour complainant
1738 additional \$10 payment required, must have been an accounting error	inquiry made
1739 mix-up of premium numbers	independently resolved in favour complainant
1740 non-settlement of out-of-province claim	assisted resolution in favour governmental organization

ONTARIO HEALTH
INSURANCE PLAN

- 280 -

NO.	RESULT
1741 information request - termination of coverage and refund of advance payment	inquiry made/referred
1742 refusal to pay for claims that were over six months old	assisted resolution in favour governmental organization
1743 information requested re responsibility in a medical malpractice suit	inquiry made/referred
1744 refused to pay amount of claim	assisted resolution in favour complainant
1745 no coverage for orthodontic work	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

1746 denied coverage because mistakenly assumed Ontario residency requirement not satisfied	inquiry made/referred
1747 premium increases unfairly affect pay-direct contributors	referred
1748 refusal to pay cost of the removal of tattoos	referred
1749 reimbursement for Florida medical bills	independently resolved in favour complainant
1750 assistance requested re appeal procedures	referred
1751 rejected a bill because of single coverage when receipts shows family coverage	inquiry made/referred
1752 refused coverage for tooth extraction	assisted resolution in favour complainant
1753 unable to obtain premium assistance	referred
1754 resented increase in premiums in order to cover cost of abortion	inquiry made/referred

MINISTRY OF
HOUSING

- 281 -

NO.

RESULT

WITHIN JURISDICTION

1755	assistance requested in regaining rights to land	withdrawn
1756	difficulty in obtaining building permit	independently resolved in favour complainant
1757	problems with land transactions	independently resolved in favour complainant
1758	unable to sell land if building permit refused	circumstances changed
1759	refusal of grant under Ontario Home Renewal Program (See Detailed Summary #81)	recommendation denied
1760	refused land severance permissions	independently resolved in favour complainant
1761	denial of property severance	assisted resolution in favour governmental organization
1762	land severance granted and then appealed by Ministry	assisted resolution in favour complainant
1763	ineligibility for Home Renewal Grant	independently resolved in favour complainant
1764	delay in Ministry's response to lawyer	independently resolved in favour complainant
1765	unfair value for sold property	withdrawn
1766	house built under H.O.M.E. program poorly constructed	abandoned
1767	Niagara Escarpment Development Permit denied	independently resolved in favour complainant
1768	delay in granting of development permit	independently resolved in favour complainant
1769	information request - land title	inquiry made/referred
1770	unable to obtain building permit due to lack of proof re amendment to zoning order	assisted resolution in favour complainant
1771	information request - proposed amendment to zoning order	inquiry made

MINISTRY OF
HOUSING

- 282 -

NO.	RESULT
1772 transfer of mining claim	abandoned
1773 re-zoning of subdivision	independently resolved in favour complainant
1774 denied building permit	assisted resolution in favour complainant

OUTSIDE JURISDICTION

1775 denial of loan and grant under Ontario Home Renewal Program (See Detailed Summary #85)	assisted resolution in favour complainant
1776 information request - sale of apartment buildings to Ministry for use as low rental housing	referred
1777 buy-back formula employed by North Pickering Project unfair	explanation given
1778 buy-back formula employed by North Pickering Project unfair	explanation given
1779 endorsement of Ministry cheque for improvements	independently resolved in favour complainant
1780 ministerial denial of zoning amendment (See Detailed Summary #84)	inquiry made/referred
1781 administration of Home Renewal Program and distribution of funds controlled by one person working at municipal level	referred
1782 offered to purchase land at an unsatisfactory price	explanation given
1783 too difficult financially to repay Ontario Home Renewal Plan loan	referred

ONTARIO HOUSING CORPORATION

WITHIN JURISDICTION

1784 housing application rejected	circumstances changed
1785 unfair hiring practices	assisted resolution in favour governmental organization

ONTARIO HOUSING CORPORATION

- 283 -

NO.	RESULT
1786 housing application rejected	abandoned
1787 housing application rejected	assisted resolution in favour complainant
1788 information requested re denial of application for housing	inquiry made/referred
1789 suitable housing placement denied	circumstances changed
1790 information request - location on waiting list and qualification point system used	inquiry made
1791 transfer to higher floor delayed	assisted resolution in favour complainant
1792 denied reimbursement for water damage	independently resolved in favour complainant
1793 third medical examination required to determine re-employment eligibility (See Detailed Summary #82)	assisted resolution in favour governmental organization
1794 delay in housing placement	independently resolved in favour complainant
1795 delay in obtaining accommodation - severe asthmatic condition	assisted resolution in favour complainant
1796 delay in obtaining one bedroom apartment in central Toronto	circumstances changed
1797 OHC tenants harassing private homeowner	abandoned
1798 tenancy agreement terminated unfairly	assisted resolution in favour complainant
1799 repairs long overdue	independently resolved in favour complainant
1800 noise caused by air conditioners	assisted resolution in favour governmental organization
1801 inability to collect back wages - verbal agreement not honoured	assisted resolution in favour complainant
1802 confusion over amount of rent rebated following rent review hearing	withdrawn
1803 substandard construction-high noise level between apartments	assisted resolution in favour governmental organization

ONTARIO HOUSING CORPORATION

- 284 -

NO.	RESULT
1804 delay in housing placement	independently resolved in favour complainant
1805 difficulty in obtaining housing accommodation	assisted resolution in favour governmental organization
1806 transfer to move suitable housing unit delayed	assisted resolution in favour complainant
1807 wished change of accommodation	assisted resolution in favour governmental organization
1808 request assistance in clarifying tenancy problem	independently resolved in favour complainant
1809 questions concerning conditions of employment with Housing Authority	inquiry made
1810 assistance requested in ascertaining when transfer to more suitable location will take place	inquiry made
1811 misunderstanding over allowance of pets in building led to eviction notice	withdrawn
1812 wished accommodation in or near North York	assisted resolution in favour governmental organization
1813 application for housing should be approved by this length of time	assisted resolution in favour governmental organization
1814 unable to obtain suitable accommodation	referred
1815 repairs to house purchased from corporation were not completed (See Detailed Summary #80)	assisted resolution in favour complainant
1816 time period given for repayment of arrears too short	assisted resolution in favour governmental organization
1817 unusually long wait for placement in suitable housing	assisted resolution in favour complainant
1818 tenant unemployed and unable to meet deadline for payment of rent arrears (See Detailed Summary #86)	assisted resolution in favour complainant
1819 tenant placement not secured in preferred building	assisted resolution in favour complainant

ONTARIO HOUSING CORPORATION

- 285 -

NO.	RESULT
1820 transfer to more conveniently located housing area denied (See Detailed Summary #83)	assisted resolution in favour governmental organization
1821 tenant placement denied - reasons not given	assisted resolution in favour governmental organization
1822 denial of housing	abandoned
1823 quality of people living in OHC projects	assisted resolution in favour governmental organization
1824 delays in securing accommodation	independently resolved in favour complainant
1825 delay in transfer to senior citizen unit	independently resolved in favour complainant
1826 repairs necessary to prevent sewage flooding into basement	independently resolved in favour complainant
1827 information request - legality of withholding rent until repairs done	referred
1828 delay in answering complaint regarding outstanding house repairs	abandoned
1829 unnecessary probing and verification of information	abandoned
1830 must pay back adjusted rate of rent over short period of time	independently resolved in favour complainant
1831 unfair rule not to allow pets in highrise buildings	assisted resolution in favour governmental organization
1832 settlement of outstanding accounts	assisted resolution in favour complainant
1833 application cancelled	assisted resolution in favour governmental organization
1834 refusal to pay unjustified increase in rent, could cause eviction	assisted resolution in favour complainant
1835 wanted transfer to a building nearer to doctor	independently resolved in favour complainant

ONTARIO HOUSING CORPORATION

- 286 -

OUTSIDE JURISDICTION

NO.		RESULT
1836	housing application denied due to refusal of first offer	inquiry made/referred
1837	tenant making excessive noise in OHC apartment	referred
1838	refused accommodation	referred
1839	delay in receiving accommodation	inquiry made
1840	concerned that building projects not conforming to local official plan	explanation given
1841	transfer of housing unit delayed	inquiry made/referred
1842	assistance requested in obtaining public housing	abandoned
1843	required to pay rental arrears due to housing authority error	advice given
1844	information requested - low cost housing in Brockville	referred
1845	rejection of application for three bedroom accommodation and subsidy to pay rent	referred

JURISDICTION NOT DETERMINED

1846	no complaint specified	listened
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ONTARIO MORTGAGE CORPORATION

WITHIN JURISDICTION

1847	non-payment of hydro bills (See Detailed Summary #87)	assisted resolution in favour governmental organization
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OUTSIDE JURISDICTION

1848	undue delay in proceedings re ownership of apartment building	advice given
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MINISTRY OF
INDUSTRY & TOURISM

- 287 -

NO.

RESULT

WITHIN JURISDICTION

1849	money owed for paint and labour	refused to investigate or further investigate
1850	compensation for accident repairs unpaid and living allowance not increased when asked to relocate	assisted resolution in favour governmental organization
1851	rejection of application for assistance in establishing a riding stable	assisted resolution in favour governmental organization
1852	offered one year lease, others offered two year leases	withdrawn

MINISTRY OF
LABOUR

- 288 -

NO.	RESULT
<u>WITHIN JURISDICTION</u>	
1853 inadequate settlement for back wages	abandoned
1854 recovery of wages owed from private employer (See Detailed Summary #92)	assisted resolution in favour complainant
1855 conducted incomplete investigation of allegations regarding work dismissal	assisted resolution in favour governmental organization
1856 overtime pay outstanding following dismissal from job	assisted resolution in favour complainant
1857 information request - financial assistance and job opportunities	referred
1858 inadequate inquiry re wages owing from restaurant	refused to investigate or further investigate
1859 alleged bribe request	abandoned
1860 dissatisfied with the handling of complaint against employer's practice of paying less than minimum wage, no overtime and no holiday pay	abandoned
1861 inquiry concerning time lag in investigation by Employment Standards Branch	assisted resolution in favour complainant
1862 Employment Standards Branch refused to investigate termination of employment	assisted resolution in favour governmental organization
1863 information requested as to whether the Ministry can appoint an arbitrator	inquiry made/referred
1864 unable to receive books necessary for examination	independently resolved in favour complainant
1865 delay of arbitration proceedings involving allegations of unjust discharge from employment (See Detailed Summary #88)	assisted resolution in favour complainant
1866 inadequate investigation conducted by Employment Standards Branch (See Detailed Summary #95)	assisted resolution in favour complainant
1867 Employment Standards Branch concluded that her misconduct disentitled the complainant to notice or pay in lieu of notice (See Detailed Summary #96)	assisted resolution in favour complainant

MINISTRY OF
LABOUR

- 289 -

NO.

RESULT

- | | | |
|------|---|---|
| 1868 | information request - legal interpretation of the Industrial Safety Act, 1971 | inquiry made/referred |
| 1869 | inadequate investigation conducted by Employment Standards Branch | abandoned |
| 1870 | farm labourers not covered by laws regarding holiday pay, minimum wage or length of working hours | abandoned |
| 1871 | inadequate investigation re amount of holiday pay | assisted resolution in favour governmental organization |
| 1872 | dissatisfied with investigation by Employment Standards Branch - collection of back wages | assisted resolution in favour governmental organization |

OUTSIDE JURISDICTION

- | | | |
|------|--|----------|
| 1873 | not satisfied with review of employee's one week notice of dismissal | referred |
| 1874 | exclusion of veterinarians from certain sections of Labour Relations Act | referred |
| 1875 | Employment Standards Act regarding payment of vacation pay unfair | referred |
| 1876 | refused to investigate unfair job dismissal | referred |

ONTARIO HUMAN RIGHTS
COMMISSION

WITHIN JURISDICTION

- | | | |
|------|---|---|
| 1877 | inadequate inquiry into discriminatory job dismissal (See Detailed Summary #90) | assisted resolution in favour governmental organization |
| 1878 | incomplete investigation re job discrimination | assisted resolution in favour governmental organization |
| 1879 | objection to exemption clause for private company | refused to investigate or further investigate |

ONTARIO HUMAN RIGHTS
COMMISSION

- 290 -

NO.		RESULT
1880	investigation by officer insufficient	assisted resolution in favour governmental organization
1881	employment terminated because of discrimination - problem not treated seriously (See Detailed Summary #89)	assisted resolution in favour governmental organization
1882	investigation conducted improperly into discrimination at hospital (See Detailed Summary #94)	assisted resolution in favour governmental organization
1883	insufficiently thorough investigation (See Detailed Summary #91)	assisted resolution in favour governmental organization
1884	incomplete investigation carried out	withdrawn

OUTSIDE JURISDICTION

1885	Director of Nursing Services at hospital discriminating against black nurse	referred
1886	Ontario Human Rights Code should include several necessary clauses	referred
1887	was not allowed to be personally represented at deliberations	explanation given
1888	dissatisfaction with handling of complaint	inquiry made
1889	policy of spouses not working together discriminatory - dissatisfied with Human Rights explanation	explanation given
1890	discrimination of persons over age of 65 as they have no job protection	referred

ONTARIO LABOUR RELATIONS BOARD

WITHIN JURISDICTION

1891	unfair decision allowed union to continue to represent membership despite objections	withdrawn
1892	incomplete investigation conducted into supervision of local by International Representative Union	abandoned

ONTARIO LABOUR RELATIONS BOARD

- 291 -

NO.		RESULT
1893	board favoured union which had not assisted him for a disability pension from his employer	refused to investigate or further investigate
1894	allegedly dealt with contrary to the Act	assisted resolution in favour governmental organization
1895	confusion regarding disenfranchisement procedures of union local	inquiry made
1896	problems relating to undue delay and rejection of application for consolidation of cases (See Detailed Summary #93)	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

1897	appeal dismissed re unfair job dismissal	inquiry made/referred
1898	unfavourable decision	explanation given

WORKMEN'S COMPENSATION BOARD

WITHIN JURISDICTION

1899	denial of husband's claim for silicosis (See Detailed Summary #133)	assisted resolution in favour governmental organization
1900	denial of widow's benefits for husband's silicosis (See Detailed Summary #125)	assisted resolution in favour governmental organization
1901	refused full benefits for neck disability (See Detailed Summary #136)	recommendation denied
1902	delay in recognition of claim	assisted resolution in favour complainant
1903	degree of total disability benefits inadequate	assisted resolution in favour governmental organization
1904	claim not compensable	assisted resolution in favour governmental organization
1905	degree of compensation inadequate	assisted resolution in favour governmental organization
1906	alleged threats to reduce benefits if sexual favours not granted	assisted resolution in favour governmental organization

WORKMEN'S COMPENSATION BOARD

- 292 -

NO.	RESULT
1907 delay and miscalculation of benefits cheque	assisted resolution in favour complainant
1908 information requested - right to bring civil action	inquiry made
1909 inadequate pension award	assisted resolution in favour governmental organization
1910 denial of suitable retraining program	withdrawn
1911 Board's records show unfavourable work record causing problems when seeking employment with Manpower	assisted resolution in favour complainant
1912 cheque delayed	assisted resolution in favour complainant
1913 delay in claim recognition	independently resolved in favour complainant
1914 delay in claim recognition	independently resolved in favour complainant
1915 late cheque (See Detailed Summary #150)	assisted resolution in favour complainant
1916 benefits denied at 3rd appeal level	assisted resolution in favour governmental organization
1917 benefits terminated at 3rd appeal level	assisted resolution in favour governmental organization
1918 benefits denied following third appeal level (See Detailed Summary #137)	assisted resolution in favour governmental organization
1919 benefits reduced to cover overpayment	assisted resolution in favour complainant
1920 late cheque - delay in processing claim	assisted resolution in favour complainant
1921 late cheques	assisted resolution in favour complainant
1922 inquiry regarding time lag in hearing about appeal date	assisted resolution in favour complainant
1923 denied retroactive benefits and permanent disability award	assisted resolution in favour governmental organization
1924 late cheque	assisted resolution in favour complainant

WORKMEN'S COMPENSATION BOARD

- 293 -

NO.		RESULT
1925	inquiry regarding entitlement to benefits for chest ailment	independently resolved in favour complainant
1926	benefits denied because of mistake (See Detailed Summary #142)	assisted resolution in favour complainant
1927	temporary total benefits inaccurately calculated (See Detailed Summary #144)	assisted resolution in favour complainant
1928	benefits denied (See Detailed Summary #130)	withdrawn
1929	delay in recognition of claim - recurrent injury required surgery (See Detailed Summary #123)	assisted resolution in favour complainant
1930	late cheque	independently resolved in favour complainant
1931	degree of permanent disability inadequate: 5% dental	assisted resolution in favour governmental organization
1932	degree of permanent disability inadequate (See Detailed Summary #141)	assisted resolution in favour governmental organization
1933	inquiry regarding eligibility based on 1956 accident	assisted resolution in favour governmental organization
1934	delay in recognition of claim	independently resolved in favour complainant
1935	inquiry regarding increase in widow's benefits	assisted resolution in favour governmental organization
1936	delay in recognition of claim	independently resolved in favour complainant
1937	inquiry regarding cost-of-living increase	inquiry made
1938	benefits denied since 1952 (See Detailed Summary #139)	assisted resolution in favour governmental organization
1939	information requested re board investigation into closed claim	inquiry made
1940	delay in hearing from Board regarding resumption of benefits after layoff	assisted resolution in favour complainant
1941	information requested - full compensation benefits following an operation	explanation given

WORKMEN'S COMPENSATION BOARD

- 294 -

NO.	RESULT
1942 delay in establishing appeal date	assisted resolution in favour complainant
1943 request for review of three separate claims	assisted resolution in favour complainant
1944 late cheque	independently resolved in favour complainant
1945 late cheque for various expenses - travel and lost time	independently resolved in favour complainant
1946 inquiry regarding reduction of benefits	independently resolved in favour complainant
1947 delay in recognition of claim	independently resolved in favour complainant
1948 delay in recognition of claim	independently resolved in favour complainant
1949 inquiry regarding suspended payments due to overpayment	inquiry made
1950 late cheque	independently resolved in favour complainant
1951 late cheque - administrative delay	assisted resolution in favour complainant
1952 inquiry regarding benefit suspension	independently resolved in favour complainant
1953 information requested - statement of benefits paid	inquiry made
1954 refused retroactive payment and cost-of-living increase	withdrawn
1955 benefits terminated without explanation, wage base questionable	assisted resolution in favour complainant
1956 delay in recognition of claim (See Detailed Summary #147)	assisted resolution in favour complainant
1957 temporary total benefits incorrectly totalled	assisted resolution in favour complainant
1958 late cheque (See Detailed Summary #146)	assisted resolution in favour complainant
1959 delay in recognition of claim	independently resolved in favour complainant

WORKMEN'S COMPENSATION BOARD

- 295 -

NO.	RESULT
1960 administrative delay in processing appeal	assisted resolution in favour complainant
1961 misunderstanding of claimant's contributory status led to delay in recognition of claim	assisted resolution in favour complainant
1962 delay in recognition of claim and payment of allowed dental bill (See Detailed Summary #129)	assisted resolution in favour complainant
1963 temporary total benefits improperly calculated (See Detailed Summary #153)	assisted resolution in favour complainant
1964 benefits terminated without notice (See Detailed Summary #128)	assisted resolution in favour complainant
1965 late cheque, difficulty in obtaining information regarding date of compensation	assisted resolution in favour complainant
1966 computer error resulted in demand for payment (See Detailed Summary #127)	assisted resolution in favour complainant
1967 inquiry regarding 7% pension paid in a lump sum	explanation given
1968 late cheque - administrative delay	assisted resolution in favour complainant
1969 delay in receiving prosthesis (See Detailed Summary #149)	assisted resolution in favour complainant
1970 delay in adjudication of claim (See Detailed Summary #145)	assisted resolution in favour complainant
1971 special temporary supplement terminated without explanation	assisted resolution in favour complainant
1972 injured worker wishes to sue responsible third party in accident claim	assisted resolution in favour governmental organization
1973 delay in recognition of claim (See Detailed Summary #148)	assisted resolution in favour complainant
1974 benefits for upgrading course discontinued and compensation discontinued (See Detailed Summary #152)	assisted resolution in favour complainant
1975 employer felt assessment for year during which no one was employed was too high	assisted resolution in favour complainant

WORKMEN'S COMPENSATION BOARD

- 296 -

NO.	RESULT
1976 inquiry re possibility of compensation for hand injury	referred
1977 inquiry regarding why benefits had been reduced	assisted resolution in favour governmental organization
1978 late cheque - administrative delay	assisted resolution in favour complainant
1979 late cheque - administrative delay	independently resolved in favour complainant
1980 inquiry regarding appeal date	independently resolved in favour complainant
1981 widow's benefits - benefits die with worker unless he is receiving 100%	refused to investigate or further investigate
1982 delay in recognition of claim	withdrawn
1983 inquiry regarding his 1938 claim	inquiry made
1984 late cheque - no cheques received in three months	refused to investigate or further investigate
1985 denied entitlement to further benefits (See Detailed Summary #124)	assisted resolution in favour governmental organization
1986 benefits terminated - had not returned to work	assisted resolution in favour complainant
1987 delay in recognition of claim - shoulder injury	independently resolved in favour complainant
1988 late cheque	independently resolved in favour complainant
1989 pension inadequate	abandoned
1990 information requested - delay in setting appeal date	inquiry made
1991 delay in recognition of claim	independently resolved in favour complainant
1992 pension cheque delay	assisted resolution in favour complainant
1993 inquiry regarding status of claim - administrative delay	independently resolved in favour complainant

WORKMEN'S COMPENSATION BOARD

- 297 -

NO.	RESULT
1994 inquiry regarding over-payment recovery	independently resolved in favour complainant
1995 benefits terminated	independently resolved in favour complainant
1996 inquiry regarding employer's assessment	inquiry made
1997 delay in recognition of claim	independently resolved in favour complainant
1998 benefits terminated	independently resolved in favour complainant
1999 late cheque	independently resolved in favour complainant
2000 late cheque - administrative delay	independently resolved in favour complainant
2001 inquiry regarding upgrading allowance	independently resolved in favour complainant
2002 pension supplements	assisted resolution in favour complainant
2003 no explanation of claim rejection	assisted resolution in favour complainant
2004 delay in recognition of claim for permanent disability	abandoned
2005 benefits denied (See Detailed Summary #143)	assisted resolution in favour complainant
2006 benefits denied (See Detailed Summary #126)	assisted resolution in favour complainant
2007 denial of claim for temporary total benefits (See Detailed Summary #131)	assisted resolution in favour complainant
2008 late cheques (See Detailed Summary #151)	assisted resolution in favour complainant
2009 denial of benefits (See Detailed Summary #140)	assisted resolution in favour complainant
2010 improper for W.C.B. to recover overpayments (See Detailed Summary #132)	assisted resolution in favour complainant
2011 denial of permanent disability benefits (See Detailed Summary #135)	recommendation denied
2012 late cheque	assisted resolution in favour complainant

WORKMEN'S COMPENSATION BOARD

- 298 -

NO.	RESULT
2013 late cheque	assisted resolution in favour complainant
2014 late cheque	assisted resolution in favour complainant
2015 inquiry regarding late cheques and payment schedule	inquiry made
2016 benefits denied at third level	assisted resolution in favour governmental organization
2017 inquiry regarding reduction in benefits to 50% temporary partial	assisted resolution in favour governmental organization
2018 employer charged fine for late payment of assessments	assisted resolution in favour governmental organization
2019 appeal for benefits rejected	assisted resolution in favour governmental organization
2020 claim for hip condition denied (See Detailed Summary #138)	assisted resolution in favour governmental organization
2021 rehabilitation services not extended	assisted resolution in favour complainant
2022 inappropriate medical treatment at rehabilitation centre	assisted resolution in favour complainant
2023 problems in receiving benefits from second claim	assisted resolution in favour governmental organization
2024 late cheque	independently resolved in favour complainant
2025 worried about spouse's pension being stopped if spouse dies	withdrawn
2026 benefits reduced fifty per cent	assisted resolution in favour complainant
2027 pension benefits terminated without explanation	independently resolved in favour complainant
2028 denied continuing permanent disability award (See Detailed Summary #121)	assisted resolution in favour governmental organization
2029 basic illegality of the board and all its operations	refused to investigate or further investigate

WORKMEN'S COMPENSATION BOARD

- 299 -

NO.	RESULT
2030 degree of permanent disability benefits inadequate	assisted resolution in favour governmental organization
2031 inquiry re fairness of benefits	assisted resolution in favour governmental organization
2032 information requested - compensation for work-related disability	referred
2033 delay in recognition of claim	assisted resolution in favour complainant
2034 delay in recognition of claim	assisted resolution in favour complainant
2035 late cheque (See Detailed Summary #122)	independently resolved in favour complainant
2036 delayed cheque	independently resolved in favour complainant
2037 delay in receipt of benefits	independently resolved in favour complainant
2038 information requested re explanation of commissioner's decision	inquiry made
2039 cheque delayed	independently resolved in favour complainant
2040 delay in receiving information about new hearing aid	assisted resolution in favour complainant
2041 cheque delayed	assisted resolution in favour governmental organization
2042 employer's assessment raised substantially	assisted resolution in favour governmental organization
2043 Rehabilitation Department had not been in touch since December	independently resolved in favour complainant
2044 late cheque	assisted resolution in favour complainant
2045 wrongly placed on 20% pension instead of full benefits	assisted resolution in favour governmental organization
2046 delay in recognition of claim	inquiry made/referred
2047 information requested - right to establish claim and procedure involved	referred

WORKMEN'S COMPENSATION BOARD

- 300 -

NO.	RESULT
2048 delay in recognition of claim	assisted resolution in favour complainant
2049 late cheques	assisted resolution in favour complainant
2050 delay in recognition of claim for hearing loss	independently resolved in favour complainant
2051 provisional pension discontinued	assisted resolution in favour governmental organization
2052 administrative delay in processing claim	assisted resolution in favour complainant
2053 loss of wage differential	assisted resolution in favour governmental organization
2054 inadequate permanent disability pension	assisted resolution in favour governmental organization
2055 benefits denied - appeal rejected (See Detailed Summary #134)	assisted resolution in favour governmental organization
2056 inquiry regarding termination of provisional award	assisted resolution in favour complainant
2057 late cheque	independently resolved in favour complainant
2058 unable to keep appointment as arranged, transportation arrived too late	assisted resolution in favour complainant
2059 information requested - pension commutation	inquiry made/referred
2060 late cheque - had not received benefits for three months	assisted resolution in favour complainant
2061 inquiry regarding rehabilitation	independently resolved in favour complainant
2062 degree of permanent disability inadequate	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

2063 denied widow's benefits pending final appeal	inquiry made
2064 inquiry regarding retraining	referred
2065 benefits denied pending appeal of board decision - level 3 appeal	advice given

WORKMEN'S COMPENSATION BOARD

- 301 -

NO.	RESULT
2066 degree of permanent disability inadequate	referred
2067 discrimination and benefit denial	no solution identified
2068 degree of permanent disability inadequate - many parts of body - 15% pension equalling \$60.	inquiry made/referred
2069 100% pension based on unrealistically low wage base	explanation given
2070 degree of personal disability inadequate - back injury - \$92 month - at appeal level 2	referred
2071 benefits denied pending second appeal level	referred
2072 benefits denied pending appeal at level 2	referred
2073 claim not recognized	inquiry made/referred
2074 inadequate pension	inquiry made/referred
2075 inadequate partial disability pension	inquiry made/referred
2076 delay in recognition of claim pending appeal	referred
2077 inquiry regarding status of claim	explanation given
2078 degree of permanent disability award inadequate	referred
2079 delay in recognition of claim	explanation given
2080 inquiry regarding increase in compensation not yet allowed by law	explanation given
2081 inquiry regarding eligibility for compensation	inquiry made
2082 refused application for increase in disability pension	referred

WORKMEN'S COMPENSATION BOARD

- 302 -

NO.	RESULT
2083 inquiry re need for legal representation at appeal hearings	referred
2084 special supplemental allowance discontinued	referred
2085 difficulty in getting disability pension increase	referred
2086 refused pension commutation	referred
2087 delay in recognition of claim	referred
2088 temporary benefits discontinued	referred
2089 delay in appeal decision	advice given
2090 Rehabilitation Department unwilling to involve itself in problem	listened
2091 benefits denied pending appeal	inquiry made/referred
2092 delay in recognition of claim	circumstances changed
2093 inquiry regarding appeal procedures	inquiry made/referred
2094 benefits terminated despite further medical complications resulting from compensable accident	inquiry made
2095 degree of disability pension inadequate - back - 20%	explanation given
2096 inquiry regarding rehabilitative care	advice given
2097 Rehabilitation Department refused assistance	explanation given
2098 benefits denied pending appeal	inquiry made
2099 denial of benefits pending appeal	advice given
2100 inquiry regarding possibility of representation at appeal hearing	referred

WORKMEN'S COMPENSATION BOARD

- 303 -

NO.	RESULT
2101 degree of personal disability inadequate - lower back injury prohibits performing light work	inquiry made/referred
2102 inquiry regarding reason for unsolicited lump sum payment	inquiry made
2103 degree of Temporary Partial Compensation too little - 50% - \$180. per week	referred
2104 inquiry regarding appeal procedures	referred
2105 degree of permanent disability inadequate - 35% - back	referred
2106 delay in recognition of claim	referred
2107 inquiry regarding entitlement and amount	referred
2108 degree of permanent disability inadequate - back & 10%	inquiry made/referred
2109 degree of permanent disability inadequate - toes - 3 1/2%	referred
2110 delay in recognition of claim	inquiry made/referred
2111 inquiry regarding time period for a decision	referred
2112 inquiry regarding benefits and pension reduction	inquiry made
2113 benefits terminated due to surplus from third-party action	inquiry made/referred
2114 benefits terminated without explanation	referred
2115 inquiry regarding restoration and percentage of continuing benefits	referred
2116 degree of permanent disability inadequate - 65% - back	referred
2117 degree of permanent disability inadequate - 15% - back	inquiry made/referred

WORKMEN'S COMPENSATION BOARD

- 304 -

NO.	RESULT
2118 degree of permanent disability insufficient - 25% - \$125.25/month	inquiry made/referred
2119 degree of permanent disability inadequate - 25%	inquiry made/referred
2120 denial of benefits pending appeal to 2nd level	inquiry made/referred
2121 degree of permanent disability inadequate - 15% - \$125.00/month	inquiry made/referred
2122 degree of permanent disability inadequate - 25% - \$100.00/month	inquiry made/referred
2123 degree of permanent disability inadequate - \$146.00/month plus supplement	inquiry made/referred
2124 degree of permanent disability inadequate	inquiry made/referred
2125 degree of permanent disability inadequate - 3%	inquiry made/referred
2126 benefits denied following lay-off from work	independently resolved in favour complainant
2127 refused to recognize claim	referred
2128 degree of permanent disability inadequate - 15%	referred
2129 degree of permanent disability inadequate	inquiry made/referred
2130 benefits terminated unjustly	inquiry made/referred
2131 benefits denied pending appeal	inquiry made/referred
2132 pension decreased	referred
2133 degree of permanent disability inadequate	inquiry made
2134 reduction of benefits to 50% due to refusal to have corrective surgery	inquiry made/referred
2135 denied pension increase	inquiry made/referred

WORKMEN'S COMPENSATION BOARD

- 305 -

NO.	RESULT
2136 inquiry regarding medical aid	inquiry made/referred
2137 inquiry regarding clothing allowance	inquiry made
2138 inquiry regarding benefits reduction and expenses	inquiry made/referred
2139 benefits terminated	inquiry made/referred
2140 inquiry regarding further entitlement to compensation and medical aid	inquiry made/referred
2141 difficulty in obtaining information about silicosis report of late father	inquiry made/referred
2142 degree of permanent disability inadequate - 5% - right shoulder	referred
2143 benefits terminated	inquiry made/referred
2144 degree of permanent disability inadequate - non-organic - 25%	inquiry made/referred
2145 degree of permanent disability inadequate - left hand 10%	referred
2146 inquiry regarding appeal levels for claim	referred
2147 benefits terminated in 1963 and would like to appeal	inquiry made/referred
2148 delay in recognition of claim	inquiry made/referred
2149 delay in recognizing claim	referred
2150 degree of permanent disability inadequate - back 10%	inquiry made/referred
2151 benefits terminated	inquiry made/referred
2152 benefits terminated	inquiry made/referred
2153 degree of permanent disability inadequate - back 15%	inquiry made/referred

WORKMEN'S COMPENSATION BOARD

- 306 -

NO.	RESULT
2154 inquiry regarding acquiring back payments	referred
2155 degree of permanent disability inadequate - (15% organic and 25% psychiatric)	inquiry made/referred
2156 degree of permanent disability inadequate - 12% - right shoulder	inquiry made/referred
2157 benefits denied pending appeal - level 3 - further back disability	referred
2158 delay in recognition of claim - present disability related to compensable injury	inquiry made/referred
2159 inquiry regarding reduction of benefits from total to 50%	inquiry made/referred
2160 delay in recognition of claim	independently resolved in favour complainant
2161 inquiry regarding reduction of temporary benefits from total to 50%	referred
2162 rejection of application for Widow's Pension	explanation given
2163 difficulty in having claim recognized	referred
2164 benefits terminated	inquiry made/referred
2165 attempt to establish injury claim	referred
2166 delay in recognition of claim	referred
2167 appeal - claim denied for low back pain	advice given
2168 delay in recognition of claim	referred
2169 delay in recognition of claim for back injury	referred
2170 delay in recognition of claim	referred
2171 inquiry regarding claim appeal	advice given

WORKMEN'S COMPENSATION BOARD

- 307 -

NO.	RESULT
2172 degree of permanent disability inadequate -	referred
2173 delay in recognition of claim	referred
2174 degree of permanent disability inadequate - \$113.20	referred
2175 benefits denied pending appeal	inquiry made
2176 delay in recognition of claim	inquiry made/referred
2177 benefits denied pending appeal to third level	inquiry made/referred
2178 benefits discontinued pending appeal to second level	referred
2179 board refused to pay travel expenses to Montreal for treatment, failure to recognize claim	inquiry made/referred
2180 delay in recognition of claim	inquiry made/referred
2181 supplement to permanent disability award was reduced without explanation	referred
2182 degree of permanent disability inadequate - \$340/month	referred
2183 benefits reduced to 50%	referred
2184 confusion over where appeal stands in processing	inquiry made/referred
2185 benefits terminated without explanation, 5% permanent disability award	referred
2186 benefits denied pending further appeal at level 2	referred
2187 degree of permanent disability insufficient - 15% - second level appeal not taken	referred
2188 benefits denied pending appeal	referred

WORKMEN'S COMPENSATION BOARD

- 308 -

NO.	RESULT
2189 inquiry regarding procedures to follow in reopening claim	inquiry made/referred
2190 benefits terminated pending appeal to third level	referred
2191 degree of permanent disability inadequate - 30% - pension \$229.75/month	referred
2192 benefits discontinued pending appeal	referred
2193 degree of permanent disability inadequate - \$60 monthly	referred
2194 refusal to commute 15% permanent disability award	referred
2195 request for commutation of pension	referred
2196 delay in recognition of claim	inquiry made
2197 glasses needed for uninjured eye, board refused to pay for them	referred
2198 degree of permanent disability insufficient - 10% - lump sum payment, \$8604.75	referred
2199 degree of permanent disability insufficient - 20% - \$80/month	referred
2200 permanent disability pension commuted to \$4288 - not sufficient	referred
2201 benefits reduced; permanent disability insufficient - 10%	referred
2202 permanent disability - 40% - \$25/month inadequate; 2% - \$500 lump sum inadequate	referred
2203 permanent disability inadequate - \$60.75/month	inquiry made/referred
2204 degree of permanent disability inadequate - 10% - commuted to \$4400	referred
2205 benefits terminated unjustly	referred

WORKMEN'S COMPENSATION BOARD

- 309 -

NO.	RESULT
2206 inquiry regarding application procedures	referred
2207 degree of permanent disability inadequate - 15% - \$21/month	referred
2208 benefits denied pending appeal to third level	referred
2209 degree of rate of compensation insufficient	referred
2210 recurring back problems related to compensable accident, board denied this	referred
2211 benefits denied pending appeal	referred
2212 benefits denied pending appeal	inquiry made
2213 benefits denied pending appeal	referred
2214 information requested - commutation of pension and drug compensation	inquiry made/referred
2215 degree of permanent disability inadequate - 44% - \$128.50/month	assisted resolution in favour complainant
2216 degree of permanent disability inadequate - 25% - \$141/month, not receiving compensation for cortizone shots	inquiry made/referred
2217 inquiry regarding delay in receiving travelling expenses for treatment	inquiry made
2218 degree of permanent disability inadequate - 80% brain damage, thought it was 25% to 35%	inquiry made/referred
2219 delay in receiving decision of second appeal level	inquiry made/referred
2220 delay in recognition of claim as totally disabled	inquiry made/referred
2221 inquiry regarding finding employment	inquiry made/referred
2222 inquiry regarding commutation of pension - not appealed yet	inquiry made/referred

WORKMEN'S COMPENSATION BOARD

- 310 -

NO.	RESULT
2223 delay in recognition of claim for back injury	referred
2224 inquiry regarding compensation for 1961 accident	referred
2225 benefits denied pending third appeal level	inquiry made/referred
2226 benefits denied pending third appeal level	inquiry made/referred
2227 conduct of civil action by board lawyers - accident 18 months ago and no settlement yet	referred
2228 delay in recognition of claim	inquiry made/referred
2229 benefits denied pending first appeal level	advice given
2230 degree of permanent disability inadequate - knee injury - 15%	advice given
2231 benefits denied pending appeal - completed level #1	advice given
2232 degree of permanent disability inadequate - back - 15%	advice given
2233 benefits denied pending appeal	explanation given
2234 lost time, payments withheld	inquiry made/referred
2235 difficulty in having claim recognized	referred
2236 difficulty in having claim recognized	referred
2237 numerous problems re benefits	inquiry made/referred
2238 inadequate pension award	referred
2239 inadequate permanent disability award	referred
2240 difficulty in having pension increased	referred

WORKMEN'S COMPENSATION BOARD

- 311 -

NO.	RESULT
2241 delay in recognition of claim	referred
2242 degree of permanent disability inadequate	referred
2243 difficulty in obtaining pension increase	referred
2244 degree of permanent disability inadequate - 50% - back	referred
2245 inquiry regarding necessity of coming to Toronto for pension assessment	inquiry made/referred
2246 benefits terminated too early	referred
2247 inquiry regarding late benefits and pension	referred
2248 benefits terminated - appealing - had not returned to work	referred
2249 delay in recognition of claim - knee	referred
2250 inquiry regarding commutation of pension and application for clothing allowance	referred
2251 degree of permanent disability award inadequate as was clothing allowance	referred
2252 degree of permanent disability inadequate - 15% - back	referred
2253 degree of permanent disability inadequate - 20% - back	referred
2254 benefits denied pending third appeal level	referred
2255 benefits denied pending first appeal level	referred
2256 delay in recognition of claim	referred
2257 benefits denied pending first appeal level	referred
2258 delay in recognition of claim	referred

WORKMEN'S COMPENSATION BOARD

- 312 -

NO.	RESULT
2259 degree of permanent disability inadequate - 15%	referred
2260 delay in receiving decision of third appeal level	referred
2261 degree of permanent disability inadequate - right shoulder and arm - 1%	referred
2262 inquiry regarding benefits and pensions	referred
2263 degree of permanent disability inadequate - \$107.50/month	referred
2264 degree of permanent disability inadequate - 30%	inquiry made/referred
2265 inquiry regarding possible termination of benefits	referred
2266 degree of permanent disability inadequate - back - 24% - discrepancy between his doctors and WCB doctors	referred
2267 degree of permanent disability inadequate - 20%	referred
2268 benefits denied pending appeal - level #2 - partial loss of hearing in both ears	referred
2269 benefits denied pending appeal - level #2 - stomach problem	referred
2270 degree of permanent disability inadequate	referred
2271 inquiry regarding general administrative delays	listened
2272 degree of permanent disability inadequate - 20%	referred
2273 benefits denied pending appeal - level #1	referred
2274 inquiry regarding possible refusal to consider for job retraining	referred

WORKMEN'S COMPENSATION BOARD

- 313 -

NO.	RESULT
2275 inquiry regarding appeal date	inquiry made/referred
2276 benefits terminated - should be eligible for two more weeks	referred
2277 universal coverage not included in Workmen's Compensation Act	referred
2278 revisions sought to the Workmen's Compensation Act	explanation given
2279 benefits denied pending appeal	referred
2280 inadequate monthly attendance allowance	referred
2281 degree of permanent disability inadequate	referred
2282 delay in recognition of claim	inquiry made/referred
2283 denied widow's benefits pending appeal to Appeal Board	referred
2284 degree of disability benefits inadequate	referred
2285 delay in recognition of claim	referred
2286 degree of permanent disability inadequate	inquiry made/referred
2287 benefits denied pending appeal to Appeals Examiner	referred
2288 delay in recognition of claim	inquiry made/referred
2289 benefits terminated	referred
2290 delay in recognition of claim	inquiry made/referred
2291 denied benefits for back injury pending appeal board hearing	referred
2292 delay in recognition of claim	referred

WORKMEN'S COMPENSATION BOARD

- 314 -

NO.	RESULT
2293 permanent disability award inadequate	inquiry made/referred
2294 permanent disability award delayed pending medical examinations	referred
2295 degree of disability benefits inadequate	referred
2296 permanent disability award inadequate	referred
2297 pension inadequate	inquiry made/referred
2298 degree of permanent disability award inadequate	inquiry made/referred
2299 wife's attendance allowance too little and should be retroactive to 1961	referred
2300 benefits terminated	referred
2301 benefits denied pending second appeal	referred
2302 degree of permanent disability inadequate \$295	referred
2303 request for assistance in having pension commuted	independently resolved in favour complainant
2304 inquiry regarding pension entitlement	referred
2305 degree of permanent disability inadequate - face and neck - 25%	referred
2306 benefits terminated	referred
2307 inadequate disability pension	referred
2308 commutation of pension denied	inquiry made
2309 denied further benefits	inquiry made
2310 degree of permanent disability inadequate	inquiry made/referred

WORKMEN'S COMPENSATION BOARD

- 315 -

NO.	RESULT
2311 benefits denied pending appeal by Appeals Examiner - industrial hearing loss and dizziness	inquiry made/referred
2312 degree of permanent disability inadequate	inquiry made
2313 information requested regarding whether 1974 and 1975 amendment had been applied properly	inquiry made
2314 benefits denied pending appeal	inquiry made
2315 delay in recognition of claim	inquiry made/referred
2316 incorrect earnings basis used	inquiry made
2317 degree of permanent disability inadequate	inquiry made
2318 benefits denied pending appeal	inquiry made
2319 inquiry regarding compensation for accident to leg	inquiry made/referred
2320 dentist refused to perform work without authorization	advice given
2321 pension had not been calculated	inquiry made/referred
2322 degree of permanent disability inadequate - benefits cut due to inactivity in rehabilitation program	inquiry made/referred
2323 information requested - pension benefits	inquiry made
2324 wanted recognition of claim	advice given
2325 delay in claim recognition - was not considered an employee	referred
2326 degree of permanent disability inadequate	inquiry made/referred
2327 claim rejected after first appeal	referred
2328 difficulty regarding application for pension review	referred

WORKMEN'S COMPENSATION BOARD

- 316 -

NO.	RESULT
2329 difficulty in obtaining increase in pension	referred
2330 delay in recognition of claim	referred
2331 denied claim for benefits	inquiry made/referred
2332 permanent disability award inadequate	inquiry made/referred
2333 delay in recognition of claim	referred
2334 delay in assessment of permanent disability award	referred
2335 delay in recognition of claim	independently resolved in favour complainant
2336 delay in recognition of claim	referred
2337 retention of information prevented adjudication of claim	referred
2338 delay in recognition of claim for industrial hearing loss	inquiry made/referred
2339 termination of benefits prior to permanent disability assessment	referred
2340 threatened discontinuation of benefits	inquiry made/referred
2341 compensation claim rejection	inquiry made/referred
2342 benefits denied pending second appeal	inquiry made/referred
2343 degree of permanent disability inadequate - 15% - \$36.75 month	inquiry made/referred
2344 degree of permanent disability inadequate - 20% - \$80/month	inquiry made/referred
2345 travelling and medical receipts not reimbursed	inquiry made/referred

WORKMEN'S COMPENSATION BOARD

- 317 -

NO.	RESULT
2346 temporary partial benefits terminated without explanation	inquiry made/referred
2347 inquiry regarding medical report	inquiry made/referred
2348 benefits denied pending appeal to level 2	referred
2349 benefits denied	abandoned
2350 benefits terminated without explanation	inquiry made/referred
2351 late cheque	inquiry made
2352 benefits denied pending appeal to third level	referred
2353 degree of permanent disability inadequate	independently resolved in favour complainant
2354 rehabilitation training not offered	inquiry made
2355 degree of permanent disability inadequate - 16% - late cheque	inquiry made/referred
2356 degree of permanent disability supplement inadequate - 50%	inquiry made/referred
2357 degree of permanent disability inadequate - request reinstatement of special supplement	inquiry made/referred
2358 benefits terminated unjustly	referred
2359 degree of permanent disability inadequate - back	referred
2360 difficulty in obtaining information - back injury	referred
2361 inquiry regarding further surgery on hand	inquiry made
2362 inquiry regarding accident reporting and assessment	referred
2363 benefits denied pending appeal - level 2	referred

WORKMEN'S COMPENSATION BOARD

- 318 -

NO.	RESULT
2364 delay in recognition of claim - upper back - had had claims before for lower back	referred
2365 appeal denied	referred
2366 denied rehabilitation assistance	referred
2367 delay in receiving pension commutation	referred
2368 delay in recognition of claim	advice given
2369 delay in recognition of claim	referred
2370 degree of permanent disability inadequate	referred
2371 delay in recognition of claim	referred
2372 degree of permanent disability inadequate	inquiry made/referred
2373 benefits denied pending appeal by Appeals Board	referred
2374 degree of permanent disability inadequate	referred
2375 reduced benefits inadequate	inquiry made/referred
2376 benefits denied pending appeal by Appeals Examiner	inquiry made/referred
2377 not reimbursed for medical aid costs	inquiry made/referred
2378 pension calculated on inaccurate earnings base	inquiry made/referred
2379 inquiry regarding how to increase monthly pension	inquiry made/referred
2380 benefits denied pending appeal by Appeal Board - not an employee under terms of the Act	inquiry made/referred
2381 inquiry regarding review of pension rating - felt back was deteriorating	referred

WORKMEN'S COMPENSATION BOARD

- 319 -

NO.	RESULT
2382 delay in claim recognition - employer not considered covered	referred
2383 benefits denied pending appeal by Appeals Board	inquiry made/referred
2384 inquiry regarding Assessment Branch delay	independently resolved in favour complainant
2385 inquiry regarding payment for medication for hand disability	abandoned

JURISDICTION NOT DETERMINED

2386 unspecified complaint	listened
2387 non-specific complaint	abandoned

MINISTRY OF
NATURAL RESOURCES

- 320 -

NO.

RESULT

WITHIN JURISDICTION

2388	omission of option to renew clause in lease (See Detailed Summary #103)	assisted resolution in favour complainant
2389	enforcement of eight inch minimum size regulation for yellow perch likely to cause economic hardship to fisherman (See Detailed Summary #100)	assisted resolution in favour complainant
2390	undue harassmt by conservation and wildlife officers (See Detailed Summary #100)	assisted resolution in favour complainant
2391	unfair pickerel quota (See Detailed Summary #100)	assisted resolution in favour complainant
2392	financial loss on fishing gear due to implementation of eight inch minimum length for perch (See Detailed Summary #100)	assisted resolution in favour complainant
2393	enforcement of eight inch minimum size regulation for yellow perch likely to cause economic hardship to fisherman (See Detailed Summary #100)	assisted resolution in favour complainant
2394	undue harassmt by conservation and wildlife officers (See Detailed Summary #100)	assisted resolution in favour complainant
2395	unfair pickerel quota (See Detailed Summary #100)	assisted resolution in favour complainant
2396	financial loss on fishing gear due to implementation of eight inch minimum length for perch (See Detailed Summary #100)	assisted resolution in favour complainant
2397	enforcement of eight inch minimum size regulation for yellow perch likely to cause economic hardship to fisherman (See Detailed Summary #100)	assisted resolution in favour complainant
2398	undue harassmt by conservation and wildlife officers (See Detailed Summary #100)	assisted resolution in favour complainant
2399	unfair pickerel quota (See Detailed Summary #100)	assisted resolution in favour complainant
2400	financial loss on fishing gear due to implementation of eight inch minimum length for perch (See Detailed Summary #100)	assisted resolution in favour complainant

MINISTRY OF
NATURAL RESOURCES

- 321 -

NO.		RESULT
2401	enforcement of eight inch minimum size regulation for yellow perch likely to cause economic hardship to fisherman (See Detailed Summary #100)	assisted resolution in favour complainant
2402	undue harassment by conservation and wildlife officers (See Detailed Summary #100)	assisted resolution in favour complainant
2403	unfair pickerel quota (See Detailed Summary #100)	assisted resolution in favour complainant
2404	financial loss on fishing gear due to implementation of eight inch minimum length for perch (See Detailed Summary #100)	assisted resolution in favour complainant
2405	lay off period for casual worker extended to 5 weeks from 2 - assistance requested in becoming full time employee	assisted resolution in favour governmental organization
2406	realty company claimed Ministry did not want further development in area and was prohibiting building permits	assisted resolution in favour governmental organization
2407	ordered to remove house from Crown land	assisted resolution in favour governmental organization
2408	denial of access from roadway to property promised improvements to parkway not completed	assisted resolution in favour complainant
2409	employment contract terminated	assisted resolution in favour governmental organization
2410	permission to purchase Crown land refused	assisted resolution in favour governmental organization
2411	lowered ground water level due to nearby gravel pit	circumstances changed
2412	assistance in determining rights under Public Lands Act	assisted resolution in favour governmental organization
2413	forfeiture of land, purchase price and taxes paid due to not honouring terms of original agreement	assisted resolution in favour governmental organization
2414	Ministry arbitrarily closed road	withdrawn
2415	required to share fishing rights with neighbour	assisted resolution in favour governmental organization

MINISTRY OF
NATURAL RESOURCES

- 322 -

NO.	RESULT
2416 information requested - rights of game wardens to search on private property	referred
2417 final purchase price of cottage too low	assisted resolution in favour governmental organization
2418 information requested - rental of government owned cottages	inquiry made/referred
2419 boundary dispute (See Detailed Summary #97)	assisted resolution in favour governmental organization
2420 excessive fee payable for application for release of pine trees	independently resolved in favour complainant
2421 road not being maintained as Ministry promised	independently resolved in favour complainant
2422 removal of private boathouse (See Detailed Summary #102)	assisted resolution in favour complainant
2423 promise to compensate expropriated cottager not fulfilled	assisted resolution in favour governmental organization
2424 as a result of construction, well went dry	withdrawn
2425 refusal to transfer camp lease	abandoned
2426 disqualified from future employment	no solution identified
2427 refused licence to operate gravel pit	independently resolved in favour complainant
2428 information requested - control of fishing blocks	explanation given
2429 sick leave credits for unclassified staff (See Detailed Summary #101)	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

2430 claim for flood damage (See Detailed Summary #99)	inquiry made
2431 claim for flood damage (See Detailed Summary #99)	inquiry made

MINISTRY OF
NATURAL RESOURCES

- 323 -

NO.	RESULT
2432 claim for flood damage (See Detailed Summary #99)	inquiry made
2433 claim for flood damage (See Detailed Summary #99)	inquiry made
2434 offer to purchase land is too low	advice given
2435 denied licence to operate sand pit	inquiry made
2436 dispute concerning surface mining claim material	inquiry made/referred
2437 caution placed on land	referred
2438 information requested - amendment to Trees Act	inquiry made/referred
2439 inability to qualify for government grant due to a caution put on the property	inquiry made
2440 unauthorized dumping of fill	inquiry made
2441 application for long term income protection insurance denied	explanation given
2442 unfavourable legislation caused bankruptcy	referred
2443 non-resident property owner required to obtain non-resident hunting licence	explanation given
2444 application to install mobile home refused, feared mobile home would be physically removed	inquiry made/referred
2445 wanted to buy complainant's land	referred
2446 lack of funds for repair of hazardous access bridge	inquiry made
2447 promised relocation of business on new highway	inquiry made/referred
2448 existence and activities of company contravened zoning by-laws	referred

MINISTRY OF
NATURAL RESOURCES

- 324 -

NO.	RESULT
2449 wanted minnow licence	referred
2450 Minister's decision to issue a licence for a gravel pit was not in the public interest (See Detailed Summary #98)	assisted resolution in favour governmental organization
2451 Minister's decision to issue a licence for a gravel pit was not in the public interest (See Detailed Summary #98)	assisted resolution in favour governmental organization
2452 Minister's decision to issue a licence for a gravel pit was not in the public interest (See Detailed Summary #98)	assisted resolution in favour governmental organization
2453 issuance of permit to build quarry	abandoned

MINISTRY OF
REVENUE

- 325 -

NO.

RESULT

WITHIN JURISDICTION

2454	denied sales tax rebate for a truck purchase	inquiry made
2455	delay in sending documents resulted in home owners' losing Home Buyers' Grant (See Detailed Summary #105)	assisted resolution in favour governmental organization
2456	application for home buyers grant denied	independently resolved in favour complainant
2457	denied Home Buyers grant	assisted resolution in favour governmental organization
2458	unfair levy of provincial sales tax upon federal sales tax	assisted resolution in favour governmental organization
2459	Guaranteed Annual Income settlement cheques not received	assisted resolution in favour complainant
2460	unfair hiring policy	assisted resolution in favour governmental organization
2461	refused first time Home Buyer's Grant due to administrative error	independently resolved in favour complainant
2462	refused Home Buyer's Grant on question of occupancy	independently resolved in favour complainant
2463	delay in clearing up tax arrears - company charter cancelled	independently resolved in favour complainant
2464	not receiving GAINS	independently resolved in favour complainant
2465	disqualified for home grant	assisted resolution in favour complainant
2466	information requested - delay in processing Home Buyers Grant application	inquiry made
2467	retroactive application of tax surcharge unfair	assisted resolution in favour governmental organization
2468	Ontario Home Buyer's Grant denied	assisted resolution in favour governmental organization
2469	unsuccessful at regaining former position	assisted resolution in favour governmental organization
2470	delay in receiving sales tax rebate for purchase of new car	assisted resolution in favour complainant

MINISTRY OF
REVENUE

- 326 -

NO.	RESULT
2471 refusal to allow grant	abandoned
2472 complainant bookkeeping error rectified, but still received notice of assessment	independently resolved in favour complainant
2473 information requested - lien against property and notification of same	inquiry made
2474 repayment of Home Buyers' Grant unfair	withdrawn
2475 denial of Home Owners Grant	independently resolved in favour complainant
2476 refused Home Buyers' Grant	assisted resolution in favour governmental organization
2477 application for employment denied	assisted resolution in favour governmental organization
2478 taxation on land transfers	abandoned
2479 refused Home Buyers' Grant due to date of occupancy	assisted resolution in favour governmental organization
2480 repayment requested for Home Buyer's Grant	assisted resolution in favour governmental organization
2481 inadequate GAINS benefits	withdrawn
2482 information requested regarding the possibility of applying for an Ontario Home Buyers' Grant	explanation given
2483 acceptance and subsequent rejection of application for Ontario Home Buyers' Grant	assisted resolution in favour complainant
2484 unnecessary request for additional land deed documents	independently resolved in favour complainant
2485 delay in approving Ontario Home Buyers' Grant	independently resolved in favour complainant
2486 delay in approving Ontario Home Buyers' Grant	independently resolved in favour complainant
2487 participation in tax exempt gasoline program would prejudice claim for sovereignty of Six Nations (See Detailed Summary #108)	assisted resolution in favour complainant

MINISTRY OF
REVENUE

- 327 -

NO.	RESULT
2488 delay in receiving retroactive pay .	independently resolved in favour complainant
2489 home buyers grant refused (See Detailed Summary #106)	assisted resolution in favour complainant
2490 sales tax on materials for home was too high (See Detailed Summary #104)	assisted resolution in favour governmental organization
2491 dissatisfied with the reason given re increased assessment on cottage	independently resolved in favour complainant
2492 information requested to ensure that detailed assessments in future years be sent to the complainant	referred

OUTSIDE JURISDICTION

2493 unjust dismissal - claim for compensation (See Detailed Summary #107)	assisted resolution in favour complainant
2494 calculation of provincial sales tax on imported boat incorrect	inquiry made/referred
2495 denial of GAINS benefits	inquiry made/referred
2496 tax assessment unusually high	listened
2497 legislation concerning farm property duty should be amended	independently resolved in favour complainant
2498 information requested - Land Speculation Tax	referred
2499 denied entitlement for GAINS program	referred
2500 appeal denied re tax amendment	inquiry made/referred
2501 unfair application of Retail Sales Tax Act	referred
2502 unreasonable penalty assessed for late payment of property tax	referred

MINISTRY OF
REVENUE

- 328 -

NO.	RESULT
2503 property reassessment policies difficult to understand	explanation given
2504 difficulties in obtaining a building permit with the result that the eligibility period set out in Ontario Home Buyers' Grant Act expired	explanation given
2505 disparity between two communities' mill rate and taxes	inquiry made/referred
2506 refused to pay "road tax" - deliveries of gasoline to station cut-off	referred
2507 property taxed twice	referred
2508 Bill 94 - warranties to new home buyers could cause damage to housing industry	referred
2509 general complaints concerning assessment and tax policies of small municipalities	referred
2510 concerned that uninformed people paying provincial sales tax on articles that are exempt because Act does not require vendors to list items covered	inquiry made/referred
2511 cottage owners forced to pay double school taxes due to provisions of The Assessment Act	advice given
2512 unfair application of Land Speculation Tax Act	referred
2513 mishandling of new tax assessment program	referred
2514 failure to apply for home buyers' grant by deadline date	referred
2515 concerned that retail sales tax is imposed on all footwear over \$30	referred
2516 retail sales tax owing on tickets sold for jazz concert	inquiry made/referred
2517 delay in processing notice of objection to speculation tax assessment	referred

MINISTRY OF
REVENUE

- 329 -

NO.	RESULT
2518 taxes too high on property	withdrawn

MINISTRY OF
SOLICITOR GENERAL

- 330 -

NO.

RESULT

WITHIN JURISDICTION

2519 autopsy conducted in improper manner (See assisted resolution in
Detailed Summary #109) favour governmental organization

OUTSIDE JURISDICTION

2520 coroner's inquest incomplete referred

2521 Retail Business Holiday Act unfair to referred
businesses in Georgina Township

2522 proposal to curtail police brutality referred

2523 S.P.C.A. Act out-of-date and ought to be referred
amended

ONTARIO POLICE COMMISSION

WITHIN JURISDICTION

2524 did not receive reply to two letters sent to assisted resolution in
commission favour governmental organization

2525 wanted name cleared for wrongful dismissal refused to investigate
from police force in 1927 or further investigate

2526 assaulted then suffered seizure withdrawn

2527 inadequate method of investigation assisted resolution in
favour governmental organization

OUTSIDE JURISDICTION

2528 telephone conversation monitored referred

2529 decision did not account for refusal of referred
application for employment because of
ethnic background

ONTARIO PROVINCIAL POLICE

OUTSIDE JURISDICTION

- 331 -

NO.	RESULT
2530 information requested - radar speed detection devices	referred
2531 unfair enforcement of speed control laws in order to raise provincial tax revenue	referred
2532 convicting police testimony in court was false	referred
2533 personal property and money taken improperly	referred
2534 assistance requested in bringing outstanding charges up in order that T.A.P. could be applied for	assisted resolution in favour complainant
2535 harassment of family	referred
2536 dissatisfied with investigation	referred
2537 spread of false rumours	referred
2538 assaulted during arrest	referred
2539 harassment by detachment officers	referred
2540 arrested twice on same warrant	referred
2541 damage to reputation and business practice	referred
2542 attempt to pressure complainant into ceasing activities with explosives	referred
2543 irregularities in investigating and charging on Indian Reserve	referred
2544 harassment by unwarranted speeding tickets	referred
2545 information requested - obtaining confiscated property	inquiry made/referred
2546 excessive force used at time of arrest	referred
2547 employment opportunity not properly posted in detachment office	inquiry made/referred

ONTARIO PROVINCIAL POLICE

- 332 -

NO.	RESULT
2548 undue concentration of manpower on enforcement of speeding laws	referred
2549 false testimony at trial	referred
2550 complaint unintelligible	referred
2551 no protection from motorcycle gangs	independently resolved in favour complainant
2552 failed to implement recommendations	referred
2553 harassment	referred
2554 no order for confiscation of rifle made	referred
2555 unintelligible complaint	listened
2556 wrongly charged with obstructing a police officer	referred

MINISTRY OF
TRANSPORTATION &
COMMUNICATIONS

- 333 -

NO.

RESULT

WITHIN JURISDICTION

2557	illegal paving of right-of-way - threat to remove paving and drainage tile at cost to complainant (See Detailed Summary #114)	assisted resolution in favour complainant
2558	destruction of maple trees due to highway widening (See Detailed Summary #116)	assisted resolution in favour complainant
2559	drainage problem due to highway widening and upgrading (See Detailed Summary #116)	assisted resolution in favour complainant
2560	licence suspended without explanation	assisted resolution in favour governmental organization
2561	lost vehicle ownership permit not replaced by ministry	assisted resolution in favour complainant
2562	delay in correcting misspelling of name on driver's licence	assisted resolution in favour complainant
2563	loss of road maintenance services	withdrawn
2564	driveway exit unsafe due to road widening and 50 m.p.h. speed zone (See Detailed Summary #111)	assisted resolution in favour complainant
2565	dangerous access to highway due to hill obstructing line of vision (See Detailed Summary #111)	assisted resolution in favour governmental organization
2566	claim for monies owed	assisted resolution in favour governmental organization
2567	required to buy replacement for illegible temporary driving licence	assisted resolution in favour governmental organization
2568	driver's licence suspension threatened retention of job (See Detailed Summary #115)	assisted resolution in favour complainant
2569	assistance requested in receiving expropriation documents from Ministry records	inquiry made/referred
2570	car wreck reconditioned and former owner was receiving traffic tickets because vehicle was still in his name	assisted resolution in favour governmental organization
2571	summonses sent in error due to administrative mistake	independently resolved in favour complainant

MINISTRY OF
TRANSPORTATION &
COMMUNICATIONS

- 334 -

NO.

RESULT

2572	suspension of driver's licence pending payment of judgment (See Detailed Summary #113)	assisted resolution in favour governmental organization
2573	medically unfit to drive car due to undisclosed information held by Ministry	independently resolved in favour complainant
2574	information requested - suspension of licence due to unpaid fines	referred
2575	incorrect cutting of trees on private property	assisted resolution in favour governmental organization
2576	licence wrongfully suspended	independently resolved in favour complainant
2577	difficulties in obtaining a lost registration	abandoned
2578	husband's driver's licence suspended without explanation	assisted resolution in favour governmental organization
2579	money owing for bridge construction (See Detailed Summary #110)	assisted resolution in favour governmental organization
2580	unbearable vibration and noise from water purifier	assisted resolution in favour complainant
2581	illegal car wrecking business on land zoned as agricultural	assisted resolution in favour complainant
2582	no recourse available to question unfair driving test	refused to investigate or further investigate
2583	discrimination due to sex and race	refused to investigate or further investigate
2584	expiry date not stated on licence	assisted resolution in favour governmental organization
2585	believed that portion of land had been expropriated	assisted resolution in favour governmental organization
2586	information requested - failure to file report on school bus routes	inquiry made/referred
2587	information requested - absence of school bus loading sign	inquiry made/referred

MINISTRY OF
TRANSPORTATION &
COMMUNICATIONS

- 335 -

NO.

RESULT

2588	request for assistance contesting unfair driving test	independently resolved in favour complainant
2589	road test required for licence renewal if more than a year had passed since expiry date	assisted resolution in favour governmental organization
2590	woman reverting to maiden name refused permission to have driver's licence in maiden name (See Detailed Summary #117)	assisted resolution in favour governmental organization
2591	delay in changing driver's licence to married name	assisted resolution in favour complainant
2592	bridge over culvert broken during ditching by Ministry	assisted resolution in favour complainant
2593	licence cancelled for failure to appear for demerit point interview	assisted resolution in favour complainant
2594	change of ownership not entered in MTC computer (See Detailed Summary #112)	assisted resolution in favour complainant
2595	prohibited from reverting to maiden name on driver's licence (See Detailed Summary #117)	assisted resolution in favour governmental organization
2596	refused permission to use both married and birth names on driver's licence	assisted resolution in favour governmental organization
2597	issuance of licence with maiden name along with married name	independently resolved in favour complainant
2598	request to have maiden name along with husband's surname on her driver's licence	independently resolved in favour complainant
2599	prohibited from reverting to maiden name on driver's licence (See Detailed Summary #117)	assisted resolution in favour governmental organization
2600	assistance in retrieval of funds spent on road on crown land	abandoned
2601	denial of direct access from property to control access Highway #69	assisted resolution in favour complainant

MINISTRY OF
TRANSPORTATION &
COMMUNICATIONS

- 336 -

NO.	RESULT
2602 inadequate radio, telephone service (See Detailed Summary #118)	independently resolved in favour complainant
2603 information request about uninsured drivers	referred
2604 driver's licence held by Ministry without complainant's knowledge, job lost as a result of not being able to obtain insurance coverage	assisted resolution in favour governmental organization
2605 refusal to allow change of name on driver's licence without proof of divorce (See Detailed Summary #117)	assisted resolution in favour governmental organization
2606 incorrect information regarding Ontario gift tax	independently resolved in favour complainant
2607 driver's licence suspended as result of unreceived notice of re-examination	assisted resolution in favour complainant
2608 unfair treatment - no retroactive pay because of order-in-council	assisted resolution in favour governmental organization
2609 no explanation given for loss of points	inquiry made
2610 refused in-transit sticker to deliver new automobile	independently resolved in favour complainant
2611 driver's licence suspended due to default of payments to Motor Vehicle Accident Claims Fund - advised in error that debt paid in full	abandoned
2612 repair of fencing adjoining Ministry land	independently resolved in favour complainant
2613 should be paved shoulders on highways	referred
2614 chopping trees down outside property on MTC land was safety hazard	referred
2615 moped rules unfair	referred
2616 prohibited from reverting to maiden name on driver's licence (See Detailed Summary #117)	assisted resolution in favour governmental organization
2617 refused to honour a commitment to purchase motel	assisted resolution in favour governmental organization

MINISTRY OF
TRANSPORTATION &
COMMUNICATIONS

- 337 -

NO.		RESULT
2618	refusal to check automobile	referred
2619	official unable to point to section of Highway Traffic Act which required the complainant to be re-examined after serving 30 days in jail	assisted resolution in favour governmental organization

OUTSIDE JURISDICTION

2620	Ministry upholding one foot boundary provision - complainant's case before O.M.B.	inquiry made/referred
2621	flooding result of poorly constructed provincial highway - explain appeal procedures	inquiry made/referred
2622	inadequate telephone service	referred
2623	licence suspension resulting from uninsured driver's court settlement and payout from fund	independently resolved in favour complainant
2624	demerit points deducted as a result of mistaken identity	inquiry made/referred
2625	prejudice re failure to pass driver re-examination test	referred
2626	request for Ombudsman's attendance at hearing before Ministry	explanation given
2627	error on driving record	referred
2628	retroactive salary increase only applicable to those employed as of certain date	referred
2629	withdrawal of purchase negotiations	inquiry made
2630	expropriation settlement dispute	inquiry made/referred
2631	inadequate compensation for expropriated property	referred
2632	suspension of driver's licence	inquiry made/referred

MINISTRY OF
TRANSPORTATION &
COMMUNICATIONS

- 338 -

10.	RESULT
2633 inadequate money paid for expropriation	advice given
2634 construction on regional highway had spoiled water in well	inquiry made/referred
2635 treatment of new applicants for school bus drivers' licences unfair under new legislation	referred
2636 expropriation had reduced lot size below legal minimum for kennels in Town of Burlington	inquiry made/referred
2637 felt would not be hired for MTC job	inquiry made/referred
2638 given three demerit points but is to appeal conviction for speeding	inquiry made/referred
2639 disqualified from receiving retractive pay	referred
2640 objected to having safety check under Ontario Highway Traffic Act when car was checked few months earlier in another province	referred
2641 seat belt legislation not inclusive enough - children in school buses should wear seat belts	referred
2642 legislation regarding speeding unrealistic and unfair	referred
2643 prevented by The Highway Traffic Act from transferring car ownership without statement of mechanical fitness	referred
2644 expropriation settlement inadequate	referred
2645 unfair to wife at driving tests	referred
2646 inadequate payment for expropriated land	referred
2647 asked by supervisor to cease private surveying activities	inquiry made/referred
2648 dissatisfied with amount of compensation for expropriation	referred

MINISTRY OF
TRANSPORTATION &
COMMUNICATIONS

- 339 -

NO.	RESULT
2649 unfair expropriation procedure	advice given
2650 cancellation of insurance caused suspension of licence by motor vehicle accident claims fund	referred
2651 dissatisfied with compensation offered for the expropriation of land	referred
2652 no action had been taken with respect to constructing a gate crossing	inquiry made/referred

MINISTRY OF
TREASURY, ECONOMICS &
INTERGOVERNMENTAL AFFAIRS

- 340 -

NO.

RESULT

WITHIN JURISDICTION

- | | | |
|------|---|--|
| 2653 | subsidy benefits cheque delayed | independently resolved in
favour complainant |
| 2654 | possibility of ratepayer groups obtaining
public funding to fight their fights - can
be very costly | inquiry made |
| 2655 | Ministry did not conduct a proper
investigation into the affairs of a local
utilities commission (See Detailed Summary
#119) | assisted resolution in
favour governmental organization |
| 2656 | Ministry failed to exercise discretion under
Regional Municipality of Niagara Act | assisted resolution in
favour governmental organization |
| 2657 | property recently cleared by OMB now wanted
by Parkway Belt East | abandoned |

OUTSIDE JURISDICTION

- | | | |
|------|--|-----------------------|
| 2658 | land development frozen by zoning order
under Planning Act | inquiry made/referred |
| 2659 | information requested - appeal procedures
under Assessment Act | explanation given |
| 2660 | Assessment Act 1975 applied unfairly in that
only those condominium owners appealing
overpaid tax rates received rebates | referred |
| 2661 | consent to sever denied by Ministerial
review | referred |
| 2662 | application for refund of monies spent on
reforestation properties | inquiry made |
| 2663 | Parkway Belt area - wished to sell (See
Detailed Summary #120) | referred |
| 2664 | Parkway Belt area - wished to sell (See
Detailed Summary #120) | referred |
| 2665 | Parkway Belt area - wished to build (See
Detailed Summary #120) | referred |
| 2666 | Parkway Belt area - wished to sell (See
Detailed Summary #120) | referred |

MINISTRY OF
TREASURY, ECONOMICS &
INTERGOVERNMENTAL AFFAIRS

- 341 -

NO.	RESULT
2667 Parkway Belt area - wished to sell (See referred Detailed Summary #120)	
2668 Parkway Belt area - wished to sell (See referred Detailed Summary #120)	
2669 Parkway Belt area - wished to sell (See referred Detailed Summary #120)	
2670 new system of regional government	referred
2671 hearing officer exceeded jurisdiction by accepting submissions resulting in a court order barring future submissions	inquiry made/referred

MANAGEMENT BOARD

- 342 -

NO.

RESULT

OUTSIDE JURISDICTION

2672 ineligible for retroactive pay increase

referred

CIVIL SERVICE COMMISSION

- 343 -

NO.

RESULT

WITHIN JURISDICTION

2673 information requested - application for job referred
relocation

2674 included in a blacklist assisted resolution in
favour governmental organization

OUTSIDE JURISDICTION

2675 decision not to award retroactive pay explanation given
increase to people who left the civil
service prior to the passing of order-in-
council is fraudulent and discriminatory

2676 salaries of veterinarians should be listened
equivalent to dentists

2677 questionable hiring practices of Ontario referred
Government

2678 benefits based on incomplete assessment inquiry made/referred

2679 inability to transfer pension benefits referred

PUBLIC SERVICE GRIEVANCE
BOARD

- 344 -

NO.

RESULT

OUTSIDE JURISDICTION

2680 application for employment denied

referred

OFFICE OF THE ASSEMBLY

- 345 -

NO.

RESULT

OUTSIDE JURISDICTION

2681	publication of doctors' incomes gross	explanation given
	invasion of privacy	

COMMISSION ON ELECTION
CONTRIBUTIONS & EXPENSES

- 346 -

NO.

RESULT

OUTSIDE JURISDICTION

2682 election campaign contributions

referred

NO.

RESULT

OUTSIDE JURISDICTION

2683 discriminatory amendments to Ontario Pension referred
Benefits Act

NIAGARA ESCARPMENT COMMISSION

- 348 -

NO.

RESULT

WITHIN JURISDICTION

2684 construction of subdivision near abandoned
complainant's home

2685 damage due to faulty drainage system assisted resolution in
favour complainant

OUTSIDE JURISDICTION

2686 land severance application delayed inquiry made/referred

2687 refused development permits advice given

2688 assistance requested in exempting property inquiry made/referred
from area under commission control

NO.

RESULT

OUTSIDE JURISDICTION

2689	lawyer's information requested - jurisdiction of the Ombudsman and clarification of Ombudsman Act	explanation given
2690	information re Ombudsman budgets	explanation given
2691	information requested - function of office	advice given
2692	information requested - office's mandate over complaints by youth or children	explanation given
2693	brief submitted re expansion of jurisdiction to include legal aid and Law Society of Upper Canada	referred

EXECUTIVE COUNCIL

- 350 -

NO.

RESULT

OUTSIDE JURISDICTION

2694 dissatisfied with decision of Cabinet on inquiry made/referred
land severance question, also refusal to
release files

COURTS

- 351 -

NO.	RESULT
<u>OUTSIDE JURISDICTION</u>	
2695 unfair careless driving conviction	referred
2696 pointed out to Crown witness by arresting officer prior to trial	referred
2697 harsh sentence did not take into account alcohol problem	referred
2698 fine for fishing in prohibited area was excessive	referred
2699 information request - how to proceed in divorce and child custody case	referred
2700 bail denied, judicial prejudice	referred
2701 charged with malicious damage and causing a disturbance	abandoned
2702 court decision unfair	referred
2703 public trustee ordered to administer finances until psychiatrist's diagnosis of complainant favourable	explanation given
2704 unjustly charged with obstructing police	referred
2705 eviction order appeared to be incorrect	referred
2706 courts not enforcing payment of support by husband	referred
2707 wanted protection for family during proceeding	referred
2708 concerned about outcome of case	referred
2709 family court not enforcing payment of support by husband	referred
2710 conviction successfully appealed, but problems obtaining employment	inquiry made/referred

COURTS

- 352 -

NO.	RESULT
2711 appeal pending before Appellate Court wishes second opinion	explanation given
2712 unjustly convicted of impaired driving	referred
2713 ordered to pay premium on cancelled policy	referred
2714 family court not enforcing payment of maintenance by husband	referred
2715 alimony payments should cease	referred
2716 civil and criminal actions taking place for same offence	referred
2717 property seized as exhibits in court not returned until decision handed down	referred
2718 negligence in trying civil action	referred
2719 judge did not allow introduction of vital evidence resulting in conviction	referred
2720 could not meet support payments ordered by court	referred
2721 various procedures in conduct of trial	explanation given
2722 outstanding charges preventing parole	advice given
2723 judge biased and prejudiced	referred
2724 loss of documents	referred
2725 improper attitude of judge	referred
2726 dissatisfied with decision that set unrealistic assessment of cottage and lot	referred
2727 assistance in having spouse charged with breach of probation	assisted resolution in favour complainant
2728 denied bail	inquiry made/referred

COURTS

- 353 -

NO.	RESULT
2729 unable to refuse charges and to obtain bail hearing	referred
2730 information request - intent to contend property assessment	referred
2731 had several parking charges to be heard on different days	referred
2732 corrective measures and inspection needed to maintain level of justice	referred
2733 unfair judgment after son's automobile accident	referred
2734 charged with liquor offense - felt trial had become "test case"	referred
2735 delays in securing bail and setting trial date	referred
2736 unreasonably high bail	referred
2737 unfair decision of jury	referred
2738 decision of family court judge endangered child	inquiry made/referred
2739 unfavourable decision of court of revision	referred
2740 unfair trial	referred
2741 unfair trials by three court judges	explanation given
2742 request for earlier court appearance in order to obtain T.A.P. during sister's visit	listened
2743 inadequate child support awarded and difficulty in collecting it	abandoned
2744 unfair fine and conviction	listened
2745 sentence for arson too long - unfair testimony by psychiatrist	listened

COURTS

- 354 -

NO.	RESULT
2746 charges laid unfairly for possession of obscene material	advice given
2747 unfair decision of court deprived right to drive for three years	referred
2748 unfair judgment in impaired driving charge	referred
2749 unfair court costs - Small Claims Court	referred
2750 collect damage awards	referred
2751 Small Claims Court judge prejudiced	referred
2752 son's custodial sentence and deplorable miscarriage of justice	referred
2753 unjust conviction	referred
2754 case should be considered again	referred
2755 six charges against police officer not proceeded with	referred
2756 excessive remands in child custody case	referred
2757 money held as evidence should be returned to defendant in fraud case	referred
2758 difficulties obtaining reason for judgment and copies of exhibits	assisted resolution in favour complainant
2759 amended summons giving night court date not received	referred
2760 wanted rape sentence reduced	explanation given
2761 trial transcript did not contain all evidence	referred
2762 provincial court judge's decision was unfair and unreasonable	referred
2763 trustee pocketed monies left over after bankruptcy administration	referred

COURTS

- 355 -

NO.	RESULT
2764 delay in having appeal heard	inquiry made
2765 numerous unjustified remands in Small Claims Court	referred
2766 tenancy agreement dispute	referred
2767 delay of support from deserting husband	advice given
2768 ordered to pay remainder of bill	referred
2769 desired to appeal decision	referred
2770 driver's licence charge and conviction unjust	referred
2771 mistreatment over divorce proceedings and custody of children	referred
2772 errors and difficulties of the system	advice given
2773 doubts verdict after studying Narcotics Control Act	referred
2774 wished to appeal court decision involving firm's bankruptcy	referred
2775 refusal to grant continuance to allow contact with lawyer	referred
2776 not guilty of parking violation for which she received a summons	referred
2777 incarcerated, facing other charge, unable to receive bail	referred
2778 should be receiving treatment at home rather than a jail sentence	inquiry made/referred
2779 feels sentence was unduly harsh especially as he was not fighting but acting as a peacemaker	advice given

COURTS

- 356 -

NO.	RESULT
2780 Justice of the Peace did not issue summons	referred
2781 unfair judgment in property case	inquiry made/referred
2782 excessive fine for possession of dangerous weapon	referred
2783 discourteous treatment by judge and court staff	advice given
2784 information request divorce status	referred
2785 unjust decision re increase in maintenance	referred
2786 putative father ordered to make payments for child maintenance	referred
2787 court decision re easement	referred
2788 long delay in court proceedings	referred
2789 unjust court system and provincial court judge	referred
2790 unfair verdict by provincial court judge	referred
2791 unfair conviction for lack of seat belts	referred
2792 delay in court case due to several remands	advice given
2793 restitution awarded for break and entry unpaid	referred
2794 unfair treatment re divorce proceedings	referred
2795 judge's impartiality and integrity in question	referred
2796 complaint letter to Small Claims Court returned unopened	inquiry made/referred
2797 general complaint about court system	listened

COURTS

- 357 -

NO.	RESULT
2798 improper treatment by courts in property case	advice given
2799 forfeiture of bail bond	referred
2800 prohibitive cost of appeal to Supreme Court	explanation given
2801 unsuccessful suit against provincial government	explanation given
2802 denied civil rights by Crown Attorney and judge	referred
2803 unfavourable decision in negligence suit	referred
2804 delay establishing trial date	advice given
2805 wrongly charged - drug offence	listened
2806 unjustly convicted - matter under appeal	listened
2807 trial outcome - son's murderer acquitted	listened
2808 supportive pre-sentence report not taken into account when son sentenced	inquiry made
2809 wife had interfered with proceedings of court	referred
2810 request for advice regarding case before courts	advice given
2811 son given unduly harsh sentence for driving while licence was under suspension	referred
2812 trial unfair, unethical and unjustified	referred
2813 unjustly convicted	referred
2814 complications arising from court decision	referred
2815 delay in deciding case before Small Claims Court	referred

COURTS

- 358 -

NO.	RESULT
2816 misunderstanding of bankruptcy laws	referred
2817 sentencing of elderly drunks to jail terms is immoral	explanation given
2818 delay in sentencing for charge of indecent assault	referred
2819 requested assistance in clarifying court proceedings	referred
2820 goods improperly confiscated as court exhibits	referred
2821 armed robbery conviction based on circumstantial evidence	referred
2822 unable to get transcripts of trial	assisted resolution in favour complainant
2823 preposterous sentence for drinking	listened
2824 concern about proceeding with divorce action	referred
2825 insensitivity of court - unreasonable fines levied	referred
2826 unfavourable decision in case - late filing of appeal by lawyer - exhorbitant fees of new lawyer	referred
2827 requested assistance in preventing transfer to women's penitentiary from psychiatric hospital	inquiry made
2828 unjust court decision in favour of former landlord	referred
2829 mistaken identity led to unexpected costs which should be reimbursed	referred
2830 selection of the jury improperly conducted	referred
2831 improper court decision in child maintenance case	referred
2832 request information about having criminal record cleared	referred

COURTS

- 359 -

NO.	RESULT
2833 unreasonably high support payments granted to former wife - lawyer gave poor advice	referred
2834 requested advice re divorce matters before the courts	referred
2835 appeared on the wrong day for trial	referred
2836 remanded twice and trial unfair	referred
2837 conviction obtained on insufficient evidence	referred
2838 action against two tenants dismissed	referred
2839 unable to collect judgment	inquiry made/referred
2840 wanted an investigation into sentence received	inquiry made
2841 objection to court decision and actions of judge	referred
2842 former husband behind in support payments	referred
2843 seven year delay in setting court date	inquiry made/referred
2844 seeking assistance in enforcing support and maintenance payments	referred
2845 possible age discrimination in job denial as supreme court reporter	referred
2846 judge did not listen to her case	referred
2847 minor Alberta charge transferred to Ontario then returned to Alberta	referred
2848 felt the system going to rob him of everything	referred
2849 decision re property assessment	referred

COURTS

- 360 -

NO.	RESULT
2850 given three demerit points but is to appeal conviction for speeding	inquiry made/referred
2851 felt he was convicted on circumstantial evidence	explanation given
2852 information request - retrial	referred
2853 appeal to Supreme Court mishandled and outcome unfavourable	referred
2854 convicted of being unlawfully at large	inquiry made
2855 outstanding court charges might delay release	referred
2856 denied bail on unjust charge	referred
2857 information request - drug possession sentence	referred
2858 unjust fine - racial discrimination	referred
2859 sentence imposed on third party not severe enough	referred
2860 custody case - preferential treatment for father	referred
2861 unfairly dealt with by system	referred
2862 divorce decision by Court of Appeal unfair	referred
2863 conviction and sentence imposed in 1972 rape case	referred
2864 denial of bail hearing	referred
2865 inmate sought assistance with court case	referred
2866 must pay child support arrears before obtaining decree absolute	referred
2867 unfavourable decision in Small Claims Court - lawyer's inaction	referred

COURTS

- 361 -

NO.	RESULT
2868 rent arrears resulting in a court ordered eviction	explanation given
2869 trial procedure involving a criminal offence	referred
2870 bail denied	inquiry made/referred
2871 unreasonably high amount of interim maintenance payment ordered by family court judge	referred
2872 held on remand unusually long time and police brutality	referred
2873 information request - case before courts	explanation given
2874 unreasonably harsh sentence - had been remanded in custody three months	advice given
2875 trial adjournments - unnecessary financial hardship	referred
2876 justice of the peace refused to lay charge	explanation given
2877 justice of the peace refused to hear charge against police officer	referred
2878 driver's licence suspended pending payment of fines	referred
2879 mistaken charge of theft laid	abandoned
2880 upset with judge's derogatory remark about women	explanation given
2881 unfair sentence for careless driving	explanation given
2882 delay in accident settlement	explanation given
2883 inadequate handling of business affairs	listened
2884 appeal lost - original trial transcript missing	referred

COURTS

- 362 -

NO.	RESULT
2885 charge had not been heard	independently resolved in favour complainant
2886 decision of trial court in civil litigation	explanation given
2887 transcript of evidence from trial had not reached lawyer	assisted resolution in favour complainant
2888 improper conduct of Supreme Court judge	referred
2889 not notified of hearing re child custody	referred
2890 suspension of driver's licence for three years	referred
2891 lengthy sentence result of improper trial	referred
2892 refused application for custody - children out of the country	referred
2893 denied request for restoration of suspended licence	explanation given
2894 wrongful conviction for driving violation due to false statements by witness	referred
2895 wanted record cleared of unjust conviction	referred
2896 denied court hearing re parking violation	inquiry made/referred
2897 summons for failing to observe stop sign unfair	referred
2898 uncooperative government witness	advice given
2899 summons indicated assessed lower fine than that by court	inquiry made/referred
2900 should be reimbursed legal costs since charge dismissed	referred

COURTS

- 363 -

NO.	RESULT
2901 notified of adverse judgment after time for appeal had run out	referred
2902 treated unfairly in psychiatric report	referred
2903 ninety-day bail review had not been held - had been on detention order four months	referred
2904 denied bail and counsel	independently resolved in favour complainant
2905 judge's treatment prejudicial and discriminatory	referred
2906 unjust conviction, illegal wire tapping and perjury	explanation given
2907 unfair divorce settlement	referred
2908 eighteen month sentence excessive for first offence	advice given
2909 unjustly imprisoned - innocent of charge	explanation given
2910 judges who passed order barring father from seeing children were crooked	referred
2911 requested clarification of court decision	referred
2912 request for assistance in having case tried in town near correctional centre	referred
2913 trial was improperly conducted resulting in conviction	referred
2914 court order regarding support payments to wife was impossible to carry out for lack of finances	referred
2915 judge misjudged case, court too lenient in dealing with bankruptcy	referred
2916 requested legal advice concerning plea	referred
2917 sentence was too long and wanted re-trial	referred

COURTS

- 364 -

NO.	RESULT
2918 original trial fair and charge dismissed but Crown appealing	explanation given
2919 Small Claims Court judgment against son unfair	referred
2920 unjust decision - wanted re-trial	referred
2921 dissatisfied with police and court decision	referred
2922 unjust assault conviction	referred
2923 insufficient child support	referred
2924 lost tax assessment case	referred
2925 unfavourable divorce case decision	referred
2926 unfavourable judgment re civil court action	referred
2927 excessive fines - confiscation of fish caught illegally	referred
2928 adverse judgment in third party claim	referred
2929 delay in having case heard	referred
2930 child custody decision - support payment and limited access	referred
2931 non-registration of court decision re road allowance	advice given
2932 unjust sentence - initiation of appeal procedure	referred
2933 time already served for outstanding charge	advice given
2934 on remand and in restricted detention without privileges	inquiry made
2935 unable to lay fraud charge against tenant who gave bad cheque	referred

COURTS

- 365 -

NO.		RESULT
2936	attempt to enforce payment of \$110,000 judgment against complainant	referred
2937	not satisfied with condominium assessment appeals	explanation given
2938	son's case mishandled in provincial court	referred
2939	felt discrimination because wife cannot withdraw charges	advice given
2940	unintelligible complaint	listened
2941	felt unfair charges had been laid	referred
2942	judgment entered in absence of plaintiff	referred
2943	minor fined too stiffly for riding a moped without insurance or driver's licence	referred

FEDERAL GOVERNMENT

- 366 -

NO.

AIR CANADA

RESULT

OUTSIDE JURISDICTION

2944 unjust dismissal after 15 years of service inquiry made/referred

CANADIAN PENITENTIARY SERVICES

OUTSIDE JURISDICTION

2945 sent copy of announcement of federal appeal referred

2946 feared mistreatment when reassigned to referred
penitentiary system

2947 concerned about being classified outside referred
Ontario after sentence

2948 feared harassment by fellow inmates inquiry made/referred

2949 protection inadequate for incarcerated referred
sexual offender

COLLINS BAY PENITENTIARY

OUTSIDE JURISDICTION

2950 unclear as to why returned from parole referred

JOYCEVILLE PENITENTIARY

OUTSIDE JURISDICTION

2951 day parole application denied - no reason referred
given

KINGSTON RECEPTION CENTRE

OUTSIDE JURISDICTION

2952 refused medication referred

2953 T.A.P. request for humanitarian reasons referred

NO.

RESULT

MILLHAVEN PENITENTIARY

OUTSIDE JURISDICTION

2954	computation of sentence incorrect	inquiry made/referred
2955	information requested - reason for serving provincial sentence in federal institution	inquiry made
2956	husband felt rights were being violated	referred
2957	hassled by inmates - requested transfer	referred

CENTRAL MORTGAGE & HOUSING CORPORATION

OUTSIDE JURISDICTION

2958	inspectors misinformed house purchaser about plumbing defects	inquiry made/referred
2959	faulty house construction under Assisted Home Ownership Plan	inquiry made/referred
2960	faulty house construction under Assisted Home Ownership Plan	referred
2961	faulty house construction under Assisted Home Ownership Program	inquiry made/referred
2962	information requested - disposition of outstanding interest charges	inquiry made
2963	despite inspector's word, house is not up to standards	referred
2964	difficulties in finding housing in northern community	inquiry made/referred
2965	CMHC approval wrong - structural faults apparent	inquiry made/referred
2966	structural defects in newly built house	referred

CENTRAL MORTGAGE & HOUSING
CORPORATION

- 368 -

NO.	RESULT
2967 major construction defects in new home	referred
2968 major construction defects in new home	inquiry made/referred
2969 defective house construction	referred

CONSUMER & CORPORATE AFFAIRS

OUTSIDE JURISDICTION

2970 suggestion that anti-corrosives be used to melt street ice as proposed in newspaper article	referred
2971 difficulty in procuring patent	referred
2972 unable to obtain patent	referred
2973 dissatisfied with replies from patents office	inquiry made/referred

HEALTH & WELFARE

OUTSIDE JURISDICTION

2974 guaranteed income supplement cut off without explanation	assisted resolution in favour complainant
2975 request for assistance in getting spouse's allowance for common-law marital partners	assisted resolution in favour complainant
2976 Canada Pension Plan benefits insufficient	referred
2977 required to repay pension plan benefits although wife has been refused benefits from C.N.I.B.	referred
2978 application for widow's pension rejected	referred
2979 Old Age Security cheques did not arrive and when they did, Guaranteed Income Supplement not included	inquiry made/referred
2980 delay in processing Canada Pension Plan	referred

HEALTH & WELFARE

- 369 -

NO.	RESULT
2981 reduction of Old Age Pension	inquiry made/referred
2982 Old Age Security Plan - denied benefits	referred
2983 Canada Pension Plan denied benefits to wife	referred
2984 pension payments refused for 13 month period	inquiry made
2985 delay in receiving cheque	inquiry made
2986 old age security office failed to return birth certificate	assisted resolution in favour complainant
2987 claim for disability pension rejected	inquiry made
2988 no reply to family allowance applications	abandoned
2989 unusual delay between time of application and receipt of supplement	assisted resolution in favour complainant
2990 ineligible for Canada Pension Plan benefits	referred
2991 assistance requested in getting benefits under Canada Pension Plan	independently resolved in favour complainant
2992 delay in processing application for disability pension	advice given
2993 benefit payments inadequate	referred
2994 information requested - eligibility for spouse's allowance	inquiry made/referred
2995 decrease in GAINS benefits	inquiry made/referred
2996 information requested - eligibility for deceased husband's benefits	inquiry made/referred
2997 application for pension refused	referred
2998 application for benefits refused	referred

HEALTH & WELFARE

- 370 -

NO.	RESULT
2999 decrease in Spouse Allowance	inquiry made/referred
3000 benefits under Canada Pension Plan refused	referred
3001 denial of spouse's allowance under Act	referred
3002 inquiry about guaranteed income supplement	inquiry made/referred
3003 did not realize he was eligible for Canada Pension Plan benefits until he was 69 - benefits not retroactive	referred
3004 unfairly fined for breach of the Food and Drug Act	referred
3005 missing old age security cheques (See Detailed Summary #154)	assisted resolution in favour complainant
3006 applications for spouse's allowance returned as incomplete	assisted resolution in favour complainant
3007 refusal to grant disability pension	referred
3008 delay in old age pension supplement and spouse's allowance	independently resolved in favour complainant
3009 inquiry regarding inadequate pension	referred
3010 banning of drug "sistosan" (reducing hemophilia bleeding)	referred
3011 public trustee not allowing sufficient portion of pension each month	inquiry made/referred
3012 applications for old age pension supplement turned down	referred
3013 assistance requested in obtaining benefits from Canada Pension Plan	assisted resolution in favour complainant
3014 family allowance problems	referred
3015 needed proof of birth for C.P.P. pension	referred

HEALTH & WELFARE

- 371 -

NO.	RESULT
3016 pension claim rejected	advice given
3017 Canada Pension cheque not received for a month	inquiry made/referred
3018 assistance requested - missing pension cheques	assisted resolution in favour complainant
3019 assistance requested in obtaining army pension increase	referred
3020 not eligible to receive disability pension	referred
3021 constant application for income supplement not required	referred
3022 delay in receiving disability pension	referred
3023 information requested - increase in benefits	referred
3024 application for disability pension rejected	referred
3025 wanted to apply for disability benefits	referred
3026 inadequate amount of old age pension	independently resolved in favour complainant
3027 government refused responsibility for damage to mobile home it rented on complainant's behalf	referred

INDIAN AFFAIRS & NORTHERN
DEVELOPMENTOUTSIDE JURISDICTION

3028 non-renewal of lease	referred
3029 unsuccessful law suit re high water levels	advice given
3030 concern about expansion plans of marina on lake	assisted resolution in favour complainant
3031 retroactive rent increase on land leased from indian reserve	referred

NO.

RESULT

JUSTICE

OUTSIDE JURISDICTION

3032	lottery operation would not comply with code	inquiry made/referred
3033	irregularities in court proceedings	referred
3034	capital punishment	referred
3035	court action re outstanding account	referred
3036	felt accused should get psychiatric treatment	referred

MANPOWER & IMMIGRATION

OUTSIDE JURISDICTION

3037	not helping to find job or helping with retraining	referred
3038	wife not allowed to work even though husband has work permit	inquiry made/referred
3039	relocation grant refused	inquiry made/referred
3040	unhelpful attitude of officials in Rehabilitation Section	referred
3041	Non-Canadian workers receiving preferential treatment regarding employment	referred
3042	information requested - claim for refugee status and chances of obtaining landed immigrant status through marriage	inquiry made
3043	unable to find employment	advice given
3044	job offers made on behalf of prospective immigrant turned down	referred
3045	refused educational sponsorship	inquiry made

MANPOWER & IMMIGRATION

- 373 -

NO.	RESULT
3046 favouritism with L.I.P. grants	referred
3047 attempts to have brother declared a landed immigrant	referred
3048 wished to become Canadian citizen	referred
3049 deportation threatened	referred
3050 deportation order discriminatory	abandoned
3051 information requested re landed immigrant status and criminal record	inquiry made
3052 unable to get passport without a birth certificate	inquiry made/referred
3053 difficulties in obtaining landed immigrant status	circumstances changed
3054 landed immigrant status denied	referred
3055 delay in issuance of work permit	assisted resolution in favour complainant
3056 promised assistance seeking a job, did not materialize	referred
3057 denied immigration parole	inquiry made
3058 immigration officers responsible for loss of milk contract	referred
3059 job applicant denied access to washroom in manpower office	assisted resolution in favour complainant
3060 wished increase in training allowances	inquiry made/referred
3061 discrimination on application form	advice given
3062 denied landed immigrant status	inquiry made/referred
3063 denied permission to re-enter Canada	independently resolved in favour complainant

MANPOWER & IMMIGRATION

- 374 -

NO.	RESULT
3064 refused employment for immigration purposes	inquiry made/referred
3065 should be reimbursed for entire retraining course	inquiry made/referred
3066 information requested - after being deported, can one apply for visitor's permit	referred
3067 poor decision	advice given
3068 fear of dangers resulting from refugee status denied	referred
3069 ineligibility for home purchase allowance	inquiry made/referred
3070 nephew denied landed immigrant status	advice given
3071 request information about the administration of local initiative grants	inquiry made/referred
3072 manpower program lost cheques	referred
3073 denied permanent residence	referred
3074 refused relocation grant - moving for health reasons	inquiry made/referred

NATIONAL PAROLE BOARD

OUTSIDE JURISDICTION

3075 parole refusal did not take into account inmate's progress within institution	inquiry made/referred
3076 unspecified problems	referred
3077 information requested - reinstatement of driver's licence	referred
3078 application for parole refused	inquiry made
3079 parole officer interfering with rehabilitation	advice given

NATIONAL PAROLE BOARD

- 375 -

NO.	RESULT
3080 delay in processing application papers	assisted resolution in favour complainant
3081 parole revoked without explanation	inquiry made/referred
3082 parole revoked no reasons given	referred
3083 released in error then forced return because of parole forfeiture	inquiry made
3084 delay in preparing deportation proceedings	inquiry made
3085 remission lost as a result of revocation of parole	explanation given
3086 assistance requested to obtain a pardon	inquiry made/referred
3087 long delay in hearing about decision of board	assisted resolution in favour complainant
3088 delay in submission of parole application thus jeopardized chance of early parole	inquiry made
3089 parole violation and lengthy remand	abandoned
3090 delay in receiving pardon - criminal record is hindering his employment efforts	abandoned
3091 application for parole delayed	independently resolved in favour complainant
3092 minor charge while on parole led to serving of entire sentence	referred
3093 intolerable fellow worker	referred
3094 parole refused unjustly	referred
3095 application for parole denied	referred
3096 delay in receiving information regarding parole	inquiry made
3097 assistance requested in obtaining parole	referred

NATIONAL PAROLE BOARD

- 376 -

NO.	RESULT
3098 wanted 1934 conviction cleared	referred
3099 wished pardon for 1972 bookmaking conviction	referred
3100 board's policy re pardons	inquiry made

POST OFFICE

OUTSIDE JURISDICTION

3101 lost insurance claim	listened
3102 unjustly suspended from employment	inquiry made/referred
3103 inappropriate location of rural post box	inquiry made/referred
3104 money order sent to U.S. was lost	advice given
3105 steps up to post office icy and dangerous in winter	referred
3106 employment problems at post office	referred
3107 dismissed from employment without severance pay	referred
3108 registered parcel misplaced	referred
3109 delay in receiving new insurance policy	referred
3110 assistance requested in obtaining shift change (See Detailed Summary #166)	assisted resolution in favour complainant
3111 p.o. box at bottom of hill, senior citizen could not climb hill after getting mail	referred
3112 increase in fee for post office box	referred
3113 discriminatory practices experienced by rural mail carriers - no weight load restriction, no uniforms, no union	advice given

POST OFFICE

- 377 -

NO.		RESULT
3114	excessive increase in mail box rental	referred

PUBLIC SERVICE COMMISSION

OUTSIDE JURISDICTION

3115	compensation for legal costs ought to have been awarded by board	withdrawn
3116	refused opportunity to write examination because late	referred

PUBLIC WORKS
OUTSIDE JURISDICTION

3117	poor administration caused resignation	inquiry made/referred
3118	loss of superannuation benefits	referred
3119	discrimination in hiring of francophones in favour of anglophones	withdrawn

REVENUE CANADA-TAXATION

OUTSIDE JURISDICTION

3120	difficulties in determining income for tax purposes	referred
3121	name change not permitted on Retirement Savings Plans	referred
3122	tax laws consider separated person single despite support payments to family	referred
3123	methods by which money held in banks may be taxed	referred
3124	computation and assessment of federal income tax	referred
3125	insurance policy held as security not re-assigned after debt paid	independently resolved in favour complainant

NO.	RESULT
3126 unable to transfer husband's disability deduction to own tax credits	referred
3127 not permitted to deduct wages paid to wife for work	referred
3128 previously duty free marine engine now taxed	referred
3129 information requested - tax exemption for common-law spouse	referred
3130 unpaid capital gains tax	referred
3131 difficulty in obtaining refund	inquiry made/referred
3132 unfair application of Income Tax Act - certain exemptions denied	inquiry made/referred
3133 misappropriation of funds	referred
3134 denial of certain questionable income tax deductions	referred
3135 income tax assessment unreasonably increased	advice given
3136 unfair income tax assessment	referred
3137 notice of additional assessment given	referred
3138 refusal to recognize payment to wife as a legal interim maintenance payment	referred
3139 holding back cheque because previous cheque forged	inquiry made
3140 relief from garnishment of wages	inquiry made/referred
3141 information requested - administration of private registered pension plans	inquiry made/referred
3142 wages garnished due to tax problem	referred
3143 income tax problem	referred

NO.	RESULT
3144 refused permission to pay off arrears gradually	explanation given
3145 failure to advise re application of Canada/Australian Reciprocal Tax Agreement	referred
3146 dissatisfaction with manner in which audits conducted	referred
3147 inadequate refund	referred
3148 capital gains tax charged on land sale	referred
3149 discrepancy on income tax return	inquiry made/referred
3150 did not have day care receipts	advice given
3151 would not grant an exception for penalty imposed for being late in sending in payment	assisted resolution in favour complainant
3152 assistance with filling in tax forms on late return	inquiry made
3153 information requested - income tax return	referred
3154 bank would not cash tax rebate cheque	assisted resolution in favour complainant
3155 capital gains payment	referred
3156 unidentified complaint	referred
3157 garnishment of wages	inquiry made/referred
3158 income tax rebate not received	assisted resolution in favour complainant

R.C.M.P.

OUTSIDE JURISDICTION

3159 because of dismissal from RCMP, unable to gain employment with local police departments	referred
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NO.	RESULT
3160 inquiry regarding eligibility for widow's pension	inquiry made/referred
3161 undue harassment	referred
3162 irregularities re arrest and conviction	referred
3163 police harassment over possession of marijuana plants	explanation given
3164 secret investigation and wire tapping	referred
3165 harassed for 14 years	referred
3166 must prove that home furnishings were legally imported to Canada	referred

TRANSPORTOUTSIDE JURISDICTION

3167 operation of aircraft on lake by private tour operators	referred
3168 pollution problems from the International Bridge in Cornwall	inquiry made/referred
3169 restoration of water flow	listened
3170 permanent immobilization of swing bridge would prevent sail boat navigation on lakes	inquiry made/referred
3171 unfair expropriation price from Seaway Authority	referred
3172 complaint re parking policy at Toronto Airport	inquiry made/referred
3173 unfair job dismissal and lost appeal	inquiry made/referred
3174 complaint regarding pilot's licence	referred
3175 land expropriation at unfair price	referred

NO.

RESULT

VETERAN AFFAIRS

OUTSIDE JURISDICTION

3176	benefits reduced since separation from wife	referred
3177	refusal of application for widow's pension	referred
3178	denial of disability benefits	referred
3179	attempting to obtain financial assistance	referred
3180	entitlement to a pension	referred
3181	refusal to grant pension	referred
3182	application for Widow's Allowance rejected	referred
3183	inquiry regarding Veterans Land Act	referred
3184	administration of War Veterans Land Act	abandoned
3185	application for widow's veteran pension	referred
3186	inadequacy of pension benefits	explanation given
3187	application for allowances turned down	referred
3188	pension benefits inadequate	referred

UNEMPLOYMENT INSURANCE
COMMISSION

OUTSIDE JURISDICTION

3189	unsatisfactory appeal result	referred
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UNEMPLOYMENT INSURANCE
COMMISSION

- 382 -

NO.	RESULT
3190 interviewer was rude and distorted facts about past employment record	referred
3191 conspiracy to garnishee wages to recover overpayment of benefits	referred
3192 benefits denied because of insufficient work week credits	inquiry made/referred
3193 benefits denied	referred
3194 benefits stopped without notice	abandoned
3195 benefits denied	referred
3196 refused benefits for being unable to accept work outside immediate area	referred
3197 difficulty in obtaining benefits	referred
3198 non-payment of benefits	referred
3199 ineligible for benefits	referred
3200 not eligible for benefits because not looking for employment	referred
3201 delay in receiving benefits	independently resolved in favour complainant
3202 denial of benefits for failure to seek employment	referred
3203 termination of benefits	abandoned
3204 claim cancelled due to failure to report at interview	referred
3205 denial of entitlement	referred
3206 delayed cheque	referred
3207 denial of claim	referred

UNEMPLOYMENT INSURANCE
COMMISSION

- 383 -

NO.	RESULT
3208 request assistance clarifying status of application	independently resolved in favour complainant
3209 ineligible for benefits	inquiry made/referred
3210 denial of benefits	referred
3211 disqualified claim	referred
3212 benefits late in arriving	inquiry made/referred
3213 application denied	inquiry made/referred
3214 denied sickness benefits	referred
3215 wages garnished to repay overpayment	inquiry made
3216 criminal charges pending for fraud - unjust to have criminal record	referred
3217 disentitled to benefits	referred
3218 suspension of benefits	referred
3219 disentitled to benefits	inquiry made
3220 unfair provisions of Act make it impossible to obtain benefits	referred
3221 benefits withheld unjustly	referred
3222 unable to obtain independent status benefits while living with common-law husband	inquiry made/referred
3223 benefits terminated without just cause	referred
3224 disentitlement to benefits	referred
3225 refusal to pay out benefits	referred
3226 denial of benefits while attending college	referred

UNEMPLOYMENT INSURANCE
COMMISSION

- 384 -

NO.	RESULT
3227 despite completing claims forms, no benefits have arrived	referred
3228 delay in claim	inquiry made
3229 claim denied	assisted resolution in favour complainant
3230 claim for period of inactivity due to epileptic seizure denied	referred
3231 disagreed with reasons why claim was denied	referred
3232 disentitlement to benefits	independently resolved in favour complainant
3233 disentitled to benefits	inquiry made/referred
3234 income tax deduction discrepancy	referred
3235 benefit disentitlement	referred
3236 refused benefits	explanation given
3237 benefits terminated	inquiry made
3238 disqualified from receiving benefits	inquiry made/referred
3239 suspension of benefits due to inadequate job search	referred
3240 should not have been disqualified nor made to repay over-payment	referred
3241 refused benefits and appeal disallowed	referred
3242 wished to receive benefits until disability pension is paid	referred
3243 difficulty in establishing claim due to work stoppage at place of work	advice given
3244 forced to resign from civil service for being unable to move from Orillia to Barrie	referred

UNEMPLOYMENT INSURANCE
COMMISSION

- 385 -

NO.	RESULT
3245 benefits denied on grounds that recipient was limiting types of work he would do	referred
3246 commission not approachable with problems concerning disentitlement	referred
3247 information requested - application procedures	inquiry made/referred
3248 benefits denied	referred
3249 termination of benefits	referred
3250 termination of benefits	referred
3251 indefinite disentitlement to benefits	referred
3252 eligibility difficulties	independently resolved in favour complainant
3253 eligibility delay	inquiry made/referred
3254 over-payment and attempts to collect it	inquiry made/referred
3255 denial of benefits	referred
3256 unjustly accused of receiving over-payment	referred
3257 ordered to repay \$78	referred
3258 termination of benefits due to limited availability for employment	referred
3259 unfair termination of benefits - failure to prove availability for work	referred
3260 suspension of benefits	referred
3261 disentitlement of benefits	referred
3262 ineligible for benefits due to quitting job over labour dispute	referred

UNEMPLOYMENT INSURANCE
COMMISSION

- 386 -

NO.	RESULT
3263 denied benefits due to insufficient attempts to obtain employment	referred
3264 termination of benefits due to insufficient attempts to obtain employment	referred
3265 dissatisfaction with legislation	referred
3266 cheque delayed	assisted resolution in favour complainant

FEDERAL GOVERNMENT - OTHER

OUTSIDE JURISDICTION

3267 customs officials harrassed and abused family	inquiry made/referred
3268 unnecessarily tough border treatment by customs officials	advice given
3269 bail system unfair	referred
3270 harassment by Dept. of Communications over operation of Citizen's Band radio	referred
3271 employment terminated by Dept. Customs and Excise without cause	inquiry made/referred
3272 tape deck sent to California for repair was lost either by customs or post office	referred
3273 inadequate compensation for deaths of wife and son	advice given
3274 dissatisfaction with manner in which National Capital Commission carried out expropriation procedures	advice given
3275 applied for release from Canadian Armed Forces but superior was opposed	inquiry made/referred
3276 prejudicial practices and discrimination by management at Department of Supply & Services	referred
3277 governmental bungling and incompetence	listened

NO.	RESULT
3278 hospitals' performing abortions on demand is contrary to intent of law	inquiry made/referred
3279 importation of bead work competes unfairly with native peoples' market	explanation given
3280 improper calculation of annuity payments	inquiry made/referred
3281 unfair implications of new federal dairy policy	inquiry made/referred
3282 home in precarious position as a result of expropriation	inquiry made/referred
3283 horses ordered destroyed by Agriculture Canada	inquiry made/referred
3284 enforced committal to mental hospital for threatening certain U.S. citizens	referred
3285 difficulties in clearing default status connected with Canada Student Loan Program	inquiry made/referred
3286 dearth of public information about nuclear power	inquiry made/referred
3287 unjust dismissal from position of inspector with Agriculture Canada	inquiry made/referred
3288 restoration of water flow	listened
3289 amount of compensation inadequate	referred
3290 rejection of application for Canada Student Loan	referred
3291 ineligible for back pay	inquiry made/referred
3292 unsuccessful law suit re high water levels	advice given
3293 pension promised as compensation for employment accident had not arrived	referred
3294 assistance requested in expediting investigation by Anti-Inflation Board	referred

NO.		RESULT
3295	application to join armed forces not responded to	inquiry made/referred
3296	Canadian Kennel Club refused to register certain breeds of dogs	referred
3297	problems with duplicate billings from Olympic Coin Program	referred
3298	wished to have criminal record expunged	inquiry made/referred
3299	lost an endorsed cheque	inquiry made/referred
3300	sought federal pardon for 1971 conviction	referred
3301	train stops for two hours and blocks private road	referred
3302	supposed \$500 limit for school supplies	referred
3303	wanted refund for over-payment of passport	assisted resolution in favour complainant
3304	prohibitive duty charged on parcels to USSR	referred
3305	election campaign contributions	referred
3306	disqualified from receiving railway pension benefits	referred
3307	Department National Defence refused to provide employment	withdrawn
3308	unjust dismissal from Toronto Harbour Commission	referred
3309	name confusion on passport	referred
3310	exorbitant cost of installation of cable television	referred
3311	had not hired welding engineer to oversee manufacturing	referred
3312	requesting extended area for telephone service	inquiry made/referred

NO.	RESULT
3313 salary increase cut back due to Anti-Inflation Board	referred
3314 salary increase curtailed due to Anti-Inflation Board	referred
3315 no duty charged on musical instruments	inquiry made/referred
3316 CNR asked complainant to vacate land and remove buildings	inquiry made/referred
3317 parity of prices should be provided for by Canada-U.S. Auto Pact	inquiry made/referred
3318 delay with Anti-Inflation Board	advice given
3319 refusal to refund overpaid pension contribution	referred
3320 bankruptcy law inadequately protects lenders from defaulting debtors	referred
3321 unable to collect old age and veteran's pensions because of short term of residency	referred
3322 not granted licence for cable T.V.	referred
3323 elimination of children's television program from viewing schedule	referred
3324 pension transfer with resultant loss of early retirement and disability provisions	inquiry made/referred
3325 non-receipt of cheque	referred
3326 concern about private high school's federal financing	referred
3327 information requested as to why pension fund could not be rolled over to other registered pension fund	explanation given
3328 refusal of loan by Federal Business Development Bank - possibly because applicant a woman	referred

NO.

RESULT

3329 denial of telephone service

referred

3330 copy of petition pursuant to s. 93(3) of the
British North-America Act that part 6 of
the Federal-Provincial Fiscal Arrangements
Act be administered in non-discriminatory
manner

advice given

3331 upset about language used in C.B.C. produced
plays

referred

ASSOCIATIONS-GROUPS

- 391 -

NO.

RESULT

OUTSIDE JURISDICTION

3332	daughter refused admission to fresh air camp because of learning disability (See Detailed Summary #161)	assisted resolution in favour complainant
3333	application for son's admittance to special school denied	inquiry made/referred
3334	request for transcripts delayed - OSSTF deposit required	explanation given
3335	refused exemption from union meetings to attend evening classes	inquiry made/referred
3336	unjust job dismissal	referred
3337	union ignoring commitment to disabled workers	advice given
3338	union negligent or fraudulent in representing interests to company	advice given
3339	difficulties in passing Real Estate Association examinations	inquiry made/referred
3340	union refusal to investigate husband's ineligibility for pension	referred
3341	Catholic Children's Aid Society - son incarcerated in Manitoba jail	referred
3342	unfairly disqualified from writing Real Estate Entry Examination	inquiry made/referred
3343	information request - registered nurse in Alberta not qualified in Ontario	inquiry made/referred
3344	speed up admission	inquiry made/referred
3345	dispute over rightful beneficiary of insurance policy	referred
3346	interpretation of various O.S.S.T.F. by-laws	advice given
3347	no investigation of unsafe working conditions	inquiry made/referred

ASSOCIATIONS-GROUPS

- 392 -

NO.	RESULT
3348 employee working without contract - no union help	advice given
3349 threat to take away child due to mother renouncing Jewish faith	referred
3350 failure to investigate improper conduct of members of laboratory society	inquiry made/referred
3351 inability to secure housing from Indian Band Council	inquiry made/referred
3352 non-representation by union	listened
3353 disagreed with decision re problem with dentist	referred
3354 conspiracy to prevent complainant from practising dentistry	inquiry made/referred
3355 policy does not cover home care	referred
3356 increased benefits resulting from accident	referred
3357 different pay scales for psychiatric nurses	referred
3358 monopolistic practices followed by S.P.C.A.	referred
3359 discrimination due to exclusion from escalation clause of pension plan	inquiry made/referred
3360 refusal to rule on exemption with regard to grade twelve equivalency for course	abandoned
3361 instructions disregarded at animal shelter	abandoned
3362 election of officers at a credit union	explanation given
3363 refused admission to plumbers and steamfitters union	referred
3364 information requested - name of union students could join	inquiry made/referred

ASSOCIATIONS-GROUPS

- 393 -

NO.	RESULT
3365 union delay in taking issue of job dismissal to grievance arbitration	referred
3366 private children's aid society violated agreement without concern for children	referred
3367 dissatisfied with administration of real estate courses	referred
3368 union not pursuing grievance	referred
3369 felt forced to join union	advice given
3370 dissatisfied with conduct and results of the grievance procedure conducted by union	referred
3371 another employee granted preferred day shift position even though complainant had more experience	referred
3372 unable to find dentist capable of making correct fit with dentures	inquiry made/referred
3373 new organization seeking assistance	advice given
3374 girl not allowed to play minor hockey	explanation given
3375 baby taken away by agency	referred
3376 proposed extension to private club would violate zoning laws	advice given
3377 unfair demotion due to public criticism of employer	referred
3378 lack of union support in grievance	inquiry made/referred

CHILDREN'S AID SOCIETIES
OUTSIDE JURISDICTION

3379 information request - daughter's death	inquiry made/referred
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CHILDREN'S AID SOCIETIES

- 394 -

NO.	RESULT
3380 had run away because of disagreement with director	assisted resolution in favour complainant
3381 information request - re C.A.S. problem	inquiry made/referred
3382 functions and legal rights of society	referred
3383 personal property not returned to owner	referred
3384 improper conduct of social worker	inquiry made
3385 dispute concerning child custody	advice given
3386 could not obtain custody of children because of remarks by social worker	referred
3387 child and family welfare in jeopardy due to actions of social workers	referred
3388 denied rights as a parent	referred
3389 acted unfairly in not giving child a long visit with mother	referred
3390 ineligible to be foster parents on grounds they were living common-law	referred
3391 improper supervision re drugs and alcohol	referred

COMPLAINT BUREAUS
OUTSIDE JURISDICTION

3392 had not received reply re complaint about merchandise not received	inquiry made/referred
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DOCTORS - PATIENTS

OUTSIDE JURISDICTION

3393 incorrect diagnosis led to loss of claim under insurance policy	referred
3394 opthamologists and optometrists not prescribing proper eyeglass prescription	inquiry made/referred

DOCTORS - PATIENTS

- 395 -

NO.	RESULT
3395 psychiatric treatment requested	referred
3396 neglected to complete application forms for disability pensions	referred
3397 unsatisfactory medical treatment for hand injury	referred
3398 arranged involuntary admission to psychiatric hospital	explanation given
3399 poisonous medication being given at psychiatric hospital	advice given
3400 wanted doctor's prescription	referred
3401 doctor's unprofessional and unsympathetic attitude	referred
3402 transferred to mental hospital under certification despite doctors not examining patient	inquiry made
3403 errors made in medication perscription	referred
3404 information requested - how to claim damages for poor care following industrial accident	referred
3405 psychological problem	inquiry made/referred
3406 refused to release a certain medical report to him	referred
3407 excessive fee to write WCB medical report	referred
3408 dissatisfied with medical information on husband's death	referred
3409 wanted investigation started to determine possible negligence	inquiry made/referred
3410 medical director of hospital delaying signing a letter needed to claim insurance	referred

NO.	RESULT
3411 pimple cream caused impotence	referred
3412 inability to obtain compensation due to alleged malpractice	advice given
3413 unfair attitude to spouse's back problem	referred

HOSPITALS-PRIVATEOUTSIDE JURISDICTION

3414 employment difficulties with ambulance service	inquiry made/referred
3415 undue consumption of energy by hospital's air-conditioning system	referred
3416 unfair treatment of hospital's non-unionized workers	referred
3417 patient certified and placed in mental hospital illegally in 1945	inquiry made
3418 refusal to divulge information about accrued sick days	independently resolved in favour complainant
3419 involuntary committal unfair	inquiry made
3420 unfairly dismissed by administrator	referred
3421 ill treatment during voluntary committal	explanation given
3422 unfair job reclassification would result in lost income and prestige	referred
3423 discrimination and unwarranted criticism	abandoned
3424 improper care and treatment	referred
3425 job dismissal due to possession of loaded weapon	referred

HOSPITALS-PRIVATE

- 397 -

NO.	RESULT
3426 wife held against her will in psychiatric ward of hospital	inquiry made
3427 improper treatment received	explanation given
3428 instructions ignored re moving mother	referred
3429 unsatisfactory treatment for burns	referred
3430 injury resulting from improper supervision - compensation inadequate	referred
3431 child suffered from partially hospital-induced condition	referred
3432 no rent being paid for the property	advice given
3433 brief received re philosophy of patient care	listened
3434 substantial sum of money stolen	referred
3435 poor treatment by staff	referred
3436 denied admission to Clarke Institute as out-patient	assisted resolution in favour complainant
3437 dissatisfaction with treatment offered	referred
3438 seeking a psychiatrist	advice given
3439 shortage of vacant beds	advice given
3440 unfair job demotion	referred
3441 reimbursement of hospital account (See Detailed Summary #163)	assisted resolution in favour complainant
3442 odour coming from hospital next door	referred

LAWYERS - CLIENTS
OUTSIDE JURISDICTION

- 398 -

NO.	RESULT
3443 legal costs causing financial strain	referred
3444 mishandling of divorce case and child custody	inquiry made/referred
3445 mishandling of real estate transaction	referred
3446 loss suffered resulting from legal incompetence	referred
3447 lawyer's letters unintelligible because of overuse of legal jargon	referred
3448 professional misconduct alleged	referred
3449 failure to keep in touch regarding court case	referred
3450 intimidating actions and coercion during trial	referred
3451 delay in filing appeal on a conviction	inquiry made/referred
3452 poorly represented in court on charge of impaired driving	referred
3453 guilty of conflict-of-interest in sale of property	referred
3454 negligence in handling of case	referred
3455 unreasonable delay in getting results	referred
3456 delay on part of lawyers	explanation given
3457 expenses should be billed to insurance company	referred
3458 unsatisfactory representation	referred
3459 excessive fees and inadequate representation	referred
3460 unable to contact two lawyers re estates	referred

LAWYERS - CLIENTS

- 399 -

NO.	RESULT
3461 dissatisfied with legal counselling re custody and visitation rights	referred
3462 did not receive explanation of a document	referred
3463 did not act promptly thereby unable to collect monies owing	referred
3464 undue delay in bringing suit to court	referred
3465 refused to return phone calls and client up to date on progress of case	referred
3466 dissatisfied with conduct of lawyer	referred
3467 delay in setting trial date	referred
3468 handled sale of house improperly	referred
3469 lawyer tricked client into paying out excessive mortgage procurement fee	inquiry made/referred
3470 lawyer's conflict-of-interest and breach of ethics	referred
3471 unsatisfactory representation	abandoned
3472 inability to make repayments on account of judgment	assisted resolution in favour complainant
3473 lawyer's improper conduct and legal aid problem	referred
3474 improper representation and excessive fees	referred
3475 client refused to pay for fees resulting from court's error	referred
3476 dissatisfaction with duties during a real estate transaction	referred
3477 inadequately represented and overcharged	referred
3478 lawyer delaying divorce proceedings	referred

LAWYERS - CLIENTS

- 400 -

NO.	RESULT
3479 advice requested concerning legal position in attempting to recover losses associated with renting a house	referred
3480 lawyer charged too much for services	referred
3481 information requested - securing another lawyer	explanation given
3482 lawyer's incompetence in civil action	referred
3483 dissatisfied with action	referred
3484 representation poor	referred
3485 representation poor and fees high	referred
3486 unprofessional manner	referred
3487 dissatisfaction with services	referred
3488 not advised re capital gains tax on sale of house	referred
3489 misled at time of purchase of house	referred
3490 misinformed with respect to rights and obligations	inquiry made/referred
3491 innocent of charged offence - afraid lawyer would not prevent conviction	inquiry made
3492 exorbitant fees for inadequate services	referred
3493 unsatisfactory representation	referred
3494 delay in property transfer	referred
3495 improper handling of mortgage deal	advice given
3496 dispute over legal obligations re mortgage and tax payments	referred

NO.	RESULT
3497 excessive fees	referred
3498 improper representation	referred
3499 unprofessional conduct	referred
3500 improper representation	referred
3501 delay in recovery of money	referred
3502 improper representation	referred
3503 delay in foreclosure action	referred
3504 inordinate delay in bringing dental malpractice suit to trial	referred
3505 improper representation	referred
3506 unsatisfactory services	referred
3507 delays and omissions in handling case	referred
3508 lengthy delays in dealing with contract problem	inquiry made/referred
3509 unsatisfactory legal work	referred
3510 assistance requested to sue lawyer	referred
3511 counsel refuses to release certain documents to client	referred
3512 little action on case for long period of time	referred
3513 professional misconduct alleged	referred
3514 conflict of interest on case, bill too high	referred
3515 incorrect advice resulting in financial loss	referred

LAWYERS - CLIENTS

- 402 -

NO.	RESULT
3516 professional misconduct	referred
3517 delays in settlement of estate administered by public trustee	referred
3518 dispute over lawyer's bill	referred
3519 fee paid and case still unsettled	referred
3520 representation not up to par	referred
3521 lawyer's advice was incorrect - resulted in them being confined to jail and receiving an additional charge	referred
3522 poor handling of refinancing of house	referred
3523 very rude and poor at handling their house sale	referred
3524 dissatisfied with lawyer re real estate transaction	advice given
3525 very unhappy with lawyer's handling of his divorce case	referred
3526 insufficient faith in referral of new lawyer	referred
3527 professional misconduct alleged	referred
3528 professional misconduct alleged	referred
3529 poor advice resulted in conviction	referred
3530 delay in arranging bail hearing	inquiry made
3531 retention of important papers	referred
3532 only part of court award received	referred
3533 delays by counsel	referred

LAWYERS - CLIENTS

- 403 -

NO.	RESULT
3534 negligent in handling case	referred
3535 refusal to appeal case	referred
3536 excessively high bill for interpreting a will	referred
3537 excessive legal fees	referred
3538 not properly represented at trial	explanation given
3539 mishandled family court case	referred
3540 cheated into selling property	inquiry made
3541 dissatisfied with advice	referred
3542 dissatisfaction with advice	referred
3543 dissatisfaction with advice	referred
3544 dissatisfied with performance	referred
3545 delay in estate settlement	advice given
3546 excessive fees	referred
3547 excessive fees	referred
3548 mishandling of loan transaction	referred
3549 unsatisfactory handling of estate settlement	referred
3550 lawyer neglectful and unconcerned	referred
3551 improper conduct alleged	referred
3552 excessive fees	referred
3553 discontinuance of court action without client's consent	referred

NO.	RESULT
3554 delay in estate settlement	independently resolved in favour complainant
3555 improper representation	referred
3556 inadequate assistance	referred
3557 dissatisfied with service	referred
3558 refused assistance on grounds that it would be a waste of time bringing suit against federal government employee	referred
3559 improper handling of sale of property	referred
3560 unfair treatment - insurance matter	referred
3561 lawyer did not act in good faith	advice given
3562 misconduct and conflict-of-interest	referred
3563 delayed transferring the right to administer spouse's estate	inquiry made/referred
3564 exorbitant fee charged	referred
3565 unfairly treated - refused to answer calls	referred
3566 holding up process of completing the settlement of an estate	referred
3567 information request - lawyer knowledgeable of both Canadian and German law	referred
3568 improper representation	referred
3569 break-down in communication regarding appeal date	inquiry made
3570 improper representation	referred

LAWYERS - CLIENTS

- 405 -

NO.	RESULT
3571 unsatisfactory representation	referred
3572 request for representation by certain lawyer	assisted resolution in favour complainant
3573 lawyer deducted his fee from mortgage funds channelled through his office, Law Society says practice is not unusual	referred
3574 levy against builder was overlooked by solicitor in house purchase	referred
3575 suspected improper behaviour in closing house purchase deal	referred
3576 lengthy delay in settlement of insurance case	referred
3577 poor handling of property transaction - outstanding mortgage later discovered	referred
3578 mismanagement caused loss of title deed to property	referred
3579 two lawyers negligent in their duties - divorce case	referred
3580 sister had bad experience - paid lawyer \$1,000	referred
3581 poor handling of real estate transaction	referred
3582 extremely dissatisfied with poor handling of case	referred
3583 negligent on her case	referred
3584 complaint against lawyers	referred
3585 poor handling of estate	referred
3586 negligence claim over accident case	referred
3587 dissatisfied with counsel	referred

NO.	RESULT
3588 amount of bill for divorce \$300 higher than promised	referred
3589 improper title search	referred
3590 not handling case properly	referred
3591 dissatisfied with counsel	referred
3592 fees too high	referred
3593 improper representation	referred
3594 delay in divorce settlement	referred
3595 delay in estate settlement	referred
3596 difficulty in obtaining transcripts of trial	referred
3597 improper representation	referred
3598 mishandling of property transaction	referred
3599 delay in receiving money from sale of estate	referred
3600 improper handling of transaction and excessive fees	referred
3601 excessive fees	referred
3602 unsatisfactory services	referred
3603 excessive fees and mishandling of case	referred
3604 unidentified complaint	referred
3605 not available to discuss court case	inquiry made
3606 lost documentation	referred

LAWYERS - CLIENTS

- 407 -

NO.	RESULT
3607 information request - legal advice	referred
3608 dissatisfaction with counsel	referred
3609 confusion about dates of court appearances	advice given
3610 miscarriage of justice	referred
3611 ineffective and unsuccessful in recovering money from employee	referred
3612 ignoring letters and phone calls	referred
3613 illegal operations by two lawyers	referred

LAW SOCIETY OF UPPER CANADA

OUTSIDE JURISDICTION

3614 delay in divorce proceedings	referred
3615 refused legal aid for divorce action	referred
3616 denied application for legal aid certificate	advice given
3617 refusal to grant legal aid	referred
3618 denied legal aid - costs of retaining lawyer and obtaining transcripts too high	referred
3619 assistance requested in filing appeal	referred
3620 application for legal aid turned down	advice given
3621 unfair rejection of application by Legal Aid	explanation given
3622 information in Legal Aid file withheld	referred
3623 legal aid fee schedule would not permit hiring of best lawyer	referred

NO.	RESULT
3624 legal aid denied	referred
3625 improper actions of former wife's lawyer	referred
3626 denial of legal aid assistance	referred
3627 society refused to allow him to become a member	explanation given
3628 information request about legal aid	referred
3629 price of legal aid is too high	referred
3630 denial of legal aid	withdrawn
3631 confusion over status of legal aid certificate	advice given
3632 inadequate investigation of complaint about lawyer	explanation given
3633 information requested - legal referral	referred
3634 unfair termination of employment by Legal Aid office	referred
3635 legal aid refused	advice given
3636 legal aid denied	referred
3637 notification of intent to cancel certificate	advice given
3638 difficulty in obtaining legal aid	referred
3639 difficulty in obtaining legal representation	independently resolved in favour complainant
3640 delay in processing of legal aid applications	referred
3641 mislead when signing documents involving a real estate transaction	referred

NO.	RESULT
3642 delay in obtaining legal aid certificate	inquiry made
3643 difficulty in acquiring legal aid	referred
3644 incorrect legal aid billing	inquiry made/referred

COLLEGE OF PHYSICIANS & SURGEONSOUTSIDE JURISDICTION

3645 refusal to investigate charge of professional misconduct	referred
3646 professional conduct resulting in her involuntary committal	inquiry made
3647 complaint did not result in any disciplinary action against doctor	referred
3648 did not act on complaint against alcoholic doctor	referred
3649 college driving his medical placement agency out of business	referred
3650 inability to obtain compensation due to alleged malpractice	advice given
3651 refused credit for year's internship due to not producing E.C.F.M.G. certificate	inquiry made

OTHER-PRIVATEOUTSIDE JURISDICTION

3652 assistance requested in obtaining report from Corp. of Commissionaires regarding dismissal	inquiry made
3653 dismissal of appeal by drainage referee	inquiry made/referred
3654 request for legal advice re dismissal	referred
3655 parish council made repairs to church without consent of congregation	advice given

OTHER-PRIVATE

- 410 -

NO.	RESULT
3656 union refused to answer questions about benefits available	inquiry made/referred
3657 information requested - ownership of gully on back of the farm	referred
3658 information requested - subdivision of land for residential use	referred
3659 land transfer document bears forged signature	referred
3660 assistance requested in settling father's estate	referred
3661 assistance required in order to benefit from contributory pension plan	referred
3662 lack of governmental jurisdiction over private zoos	inquiry made/referred
3663 difficulties finding employment	referred
3664 refused investigation into son's death	inquiry made/referred
3665 unable to find employment due to physical handicap	inquiry made/referred
3666 unable to make further restitution payments due to unemployment	referred
3667 wished to have assistance in determining cousin's death - named in will	inquiry made/referred
3668 sought legal advice regarding award of custody of child to spouse	advice given
3669 sent manuscript to prove Canada is racist and discriminatory	referred
3670 information requested - execution of will	referred
3671 members of athletic club not notified that clubhouse was for sale	referred

OTHER-PRIVATE

- 411 -

NO.	RESULT
3672 landlord refused to compensate victims of flood damage	inquiry made/referred
3673 unfair treatment by local family service agency in Ottawa	referred
3674 unfair practices of private employment agencies	inquiry made/referred
3675 information request - squatters' rights	referred
3676 symbols of a religious group possibly dangerous	referred
3677 information requested - legal problems faced by the deaf	referred
3678 inquiry regarding appraisal of a watch and two coins	inquiry made/referred
3679 information requested - mobile homes	inquiry made/referred
3680 wanted to be compensated for damages to car	referred
3681 no complaint specified	explanation given
3682 difficulties encountered in attempt to make official name change	inquiry made/referred
3683 family hardship - long divorce case	referred
3684 request for legal advice	referred
3685 request assistance in finding employment	assisted resolution in favour complainant
3686 transfer to department of food store turned down by union	referred
3687 contract problems with union	inquiry made/referred
3688 unable to obtain loan for \$5,275 while unemployed	referred
3689 employment difficulties experienced working for OPSEU	referred

OTHER-PRIVATE

- 412 -

NO.	RESULT
3690 golf balls from nearby course landing on front lawn	advice given
3691 unacceptable pension plan forced on membership by union	referred
3692 request for legal advice	explanation given
3693 concern about administration of private scholarship fund	referred
3694 denture therapist's licence application denied	referred
3695 unable to fully settle claim	referred
3696 request for legal advice concerning divorce	referred
3697 private legal matter - enforcement of judgement	referred
3698 dissatisfied with compulsory contributions to pension plan	referred
3699 unable to recover money paid into union pension plans	referred
3700 assistance requested in establishing time of credit	referred
3701 request for legal advice	referred
3702 felt entitled to much more from estate	referred
3703 people talking about him, spreading falsehoods and slandering him	listened
3704 trying to protect the rights of non-smokers	referred
3705 questions on application forms	referred
3706 dissatisfied about the fact that she had an accident and had to receive benefits	listened

OTHER-PRIVATE

- 413 -

NO.	RESULT
3707 alleged obscene call	referred
3708 old age pensioners victimized by owners if they accept employment as building superintendents	referred
3709 lack of speech therapy in community	explanation given
3710 assistance requested in solving problems relating to mother's estate	referred
3711 wage increase denied by arbitration board	abandoned
3712 vague problems concerning loss of membership in union and pay back of dues	abandoned
3713 tapped phones and wife poisoning his food	referred
3714 concern over the corruption and immorality today	listened
3715 unable to secure a lawyer's services	referred
3716 sale of home in Winnipeg	referred
3717 request for copyright information	referred
3718 invasion of privacy by people on television	advice given
3719 evicted from home and unable to find housing	inquiry made/referred
3720 day care expenses too high	inquiry made/referred
3721 unfairly obliged to pay legal fees when others rely on social assistance	referred
3722 price fixing on selected properties	inquiry made/referred
3723 wants to secure title for property	advice given

OTHER-PRIVATE

- 414 -

NO.	RESULT
3724 unable to market card game	advice given
3725 asking for legal advice re rights of wife whose husband had deserted	referred
3726 unable to locate daughter	advice given
3727 loss of teaching seniority due to leaving religious order	inquiry made
3728 information requested - bankruptcy	referred
3729 automobile improperly certified as mechanically fit by dealer	referred
3730 request for advice concerning loss of vaction pay - convicted under criminal code	inquiry made/referred
3731 inquiry about possibility of receiving student loans and U.S. student visa	referred
3732 request for legal assistance	referred
3733 liens on house, unable to afford lawyer	referred
3734 deed improperly registered at time of original conveyance of land	referred
3735 trying to cover cost of moving mobile home	referred
3736 settlement of divorce and disposal of uncle's estate	referred
3737 unknown people molesting him and conspiring against him	referred
3738 unable to find employment because of poor credit rating	listened
3739 psychiatric experiments detrimental to him	referred
3740 would like to receive compensation for her care of her mother	referred

OTHER-PRIVATE

- 415 -

NO.	RESULT
3741 wanted to locate libellous newspaper article	referred
3742 mortgage problems	referred
3743 bankruptcy alternatives	referred
3744 wanted to run for mayor	referred
3745 obtaining power of attorney	referred
3746 will voided because improperly witnessed	referred
3747 being followed and people were stealing from complainant's apartment	inquiry made/referred
3748 securing a clear title to bush property	advice given
3749 government and Canadian employers discriminate against lawyers educated outside Canada	abandoned
3750 government and Canadian employers discriminate against lawyers educated outside Canada	abandoned
3751 children want to change their last names	referred
3752 information requested - how to find provincial funding to expand trailer court	referred

PRIVATE BUSINESS

OUTSIDE JURISDICTION

3753 natural gas rate adjustment	inquiry made/referred
3754 bank manager tricked client into signing large loan	referred
3755 research firm reporting inaccurate information	inquiry made/referred
3756 insurance company refused to accept policy for crop damage	referred

PRIVATE BUSINESS

- 416 -

NO.	RESULT
3757 insurance company refused to settle claim properly	referred
3758 insurance coverage offered is unclear	referred
3759 car had rusted considerably after only 47,000 miles	referred
3760 newspapers refuse to accept company's advertising	referred
3761 increase in insurance policy premium excessively high	referred
3762 misrepresentation of client's financial capability	referred
3763 unfair practices in sale of store	referred
3764 federal and provincial bonds have depreciated in value	inquiry made/referred
3765 real estate agent misrepresented himself on house purchase deal	referred
3766 car dealership guilty of deceptive sales techniques	inquiry made/referred
3767 late payment charge on gas bill unduly high	referred
3768 tricked by rental company into buying a T.V.	advice given
3769 noise and flashes from welding tools particularly disturbing	referred
3770 landlord charging rents above approved levels	inquiry made/referred
3771 insurance companies seriously delaying disbursement of settlement because they cannot agree on liability	referred
3772 developer did not bring subdivision roads up to standard, now municipality will not maintain them	referred

PRIVATE BUSINESS

- 417 -

NO.	RESULT
3773 former employer demanded restitution of disability payments made	referred
3774 coercive treatment from manager of finance company	referred
3775 non-payment of outstanding invoices	referred
3776 inadequate compensation for motorcycle accident	inquiry made
3777 difficulty in recovering damage deposit on apartment	referred
3778 request for advice concerning insurance claim	advice given
3779 stock broker guilty of abuses under securities law	referred
3780 refrigerator manufacturer offering poor service	referred
3781 release of pension funds - private plan	referred
3782 vendor failed to repair mobile home	inquiry made/referred
3783 financial loss as a result of missing scheduled airline flight	inquiry made/referred
3784 request for contract rebate	independently resolved in favour complainant
3785 failure to perform warranty work	referred
3786 employment refused - discrimination	explanation given
3787 order not delivered despite payment of \$700 in advance	referred
3788 harsh treatment from collection agency	referred
3789 refusal to settle insurance claim	referred
3790 swimming pool improperly constructed	referred

PRIVATE BUSINESS

- 418 -

NO.	RESULT
3791 employment terminated without just cause	referred
3792 high interest in paying back loan made it difficult to establish a good credit rating	referred
3793 following unfair conviction, automobile insurance company raised premiums	referred
3794 insolent supermarket checkout person	referred
3795 automobile dealer refused to repair new car	referred
3796 disability cheques arrived late, then cut off pending a physician's report	referred
3797 payment made in advance but goods never were received	referred
3798 information request - premiums charged by insurance company	referred
3799 improper safety inspection led to expensive repairs	referred
3800 unable to cover expenses following garnishment order	referred
3801 false newspaper advertising by firm	referred
3802 needed help in locating a business	explanation given
3803 company withholding five weeks' holiday pay	referred
3804 faulty automobile transmission	referred
3805 real estate firm misrepresented financial capability of complainant	referred
3806 two faulty refrigerators	referred
3807 disentitled to pension	referred
3808 difficulty in recovering salary from past employer	inquiry made/referred

PRIVATE BUSINESS

- 419 -

NO.	RESULT
3809 excessive humidity in home	referred
3810 deficiencies in mobile home	referred
3811 cheated into selling property by real estate agent	inquiry made
3812 business mismanagement resulting in financial loss	referred
3813 non-payment of severance pay	inquiry made/referred
3814 termination of long-term insurance benefits	referred
3815 verbal agreement re wages not honoured	advice given
3816 salary withheld	inquiry made
3817 excessive repairs needed for automobile	referred
3818 refused replacement or refund for faulty merchandise	referred
3819 faulty automobile	referred
3820 non-receipt of merchandise	circumstances changed
3821 required to make loan payments while still on disability payments	referred
3822 inferior second-hand trailer	referred
3823 unsatisfactory outdoor pool	explanation given
3824 unsatisfactory business practice by insurance firm	referred
3825 arbitrarily raised premium on insurance policy	referred
3826 manager of store discriminated against entire family due to a mistake	referred

PRIVATE BUSINESS

- 420 -

NO.	RESULT
3827 not able to remedy auto defect	inquiry made/referred
3828 not adequately reimbursed for lost luggage	referred
3829 disciplined by employer with respect to peaceful demonstration on "Day of Protest"	advice given
3830 refused to pay any additional amount on insurance claim	referred
3831 had not received pay for work	advice given
3832 unfair to charge a \$50.00 security deposit on a heater	inquiry made/referred
3833 dissatisfied with contract and employer	referred
3834 raised insurance rates too high	referred
3835 refused to give cash refund	referred
3836 contract not fulfilled	referred
3837 information request - availability of information about traffic convictions to insurance companies	explanation given
3838 bank should have advised how to retain status with respect to Canada Student loan	inquiry made/referred
3839 unfairly dismissed from employment	referred
3840 concerned regarding handling of insurance policies	referred
3841 unfair billing procedures of gas company	inquiry made/referred
3842 warranty period almost over and company still had not made repairs to refrigerator	referred
3843 settlement offered by insurance company insufficient, advice given was suspect	referred
3844 refusal to repair faulty freezer	referred

PRIVATE BUSINESS

- 421 -

NO.	RESULT
3845 dealer guilty of selling faulty automobile	referred
3846 insurance companies not providing full dental care despite premiums paid for full coverage	referred
3847 overcharging by moving company	inquiry made/referred
3848 automotive repair shop providing poor service	inquiry made/referred
3849 charges to repair car too high	inquiry made/referred
3850 difficulties in paying back defaulted loan	inquiry made/referred
3851 car dealer refusing to make warranty repairs	referred
3852 retirement pension offered by company was unreasonable	referred
3853 refusal to pay interest on money held by real estate agent	referred
3854 insurance company requires medical report every two years in order to renew motor vehicle insurance	referred
3855 dealer refused to acknowledge defects in new car	referred
3856 structural defects in houses built by construction company (See Detailed Summary #160)	inquiry made/referred
3857 property unlawfully moved by gas company while complainant imprisoned	referred
3858 insurance rates for taxicabs unjustifiably high	referred
3859 faulty automobiles being passed by safety inspection mechanics	inquiry made/referred
3860 transport company refused compensation for lost articles	referred

PRIVATE BUSINESS

- 422 -

NO.	RESULT
3861 repossession of merchandise despite monthly payments being made as agreed	referred
3862 rejection of application for a loan to start a business	referred
3863 no assessment or reimbursement for damages suffered in automobile accident	referred
3864 employment problem with bank	listened
3865 auto accident claim not honoured	referred
3866 unfair repossession of business	referred
3867 defective second-hand trailer	inquiry made
3868 pension fund transfer-fee imposed for changeover	advice given
3869 burning of garbage by turkey ranch	abandoned
3870 unfair dismissal of manager	inquiry made/referred
3871 car dealership sold faulty automobile to complainant	advice given
3872 excessive gas bills	inquiry made
3873 serious defects with auto	referred
3874 purchase of faulty car	referred
3875 delivery of contaminated fuel damaged engines	explanation given
3876 company should cover cost of breast reconstruction surgery	inquiry made
3877 mechanical problems with auto	referred
3878 denial of insurance claim	referred

PRIVATE BUSINESS

- 423 -

NO.	RESULT
3879 firm refused to deal with outlet	referred
3880 attached conditions to guarantee preventing recovery of damages	referred
3881 continual problems with new furnace	referred
3882 trying to recover debt	referred
3883 difficulty in meeting loan payments	referred
3884 release of estate account	referred
3885 delay in settling estate	referred
3886 continued mechanical difficulties with new car	referred
3887 assistance requested in obtaining benefits under company disability pension plan	inquiry made
3888 asked to pay separately for new water and sewer pipes installed in front of home	referred
3889 publisher mishandled publication of new book	inquiry made/referred
3890 damaged goods resulted in \$1600 loss to importers	inquiry made/referred
3891 vacation pay not paid out at time of resignation	inquiry made/referred
3892 document did not provide sufficient protection for important invention	referred
3893 difficulties relating to term of insurance policy and premiums paid	inquiry made/referred
3894 request for legal advice about lease	referred
3895 gasoline prices higher in Goderich than in Stratford	explanation given
3896 television program provided distorted view of product	referred

PRIVATE BUSINESS

- 424 -

NO.	RESULT
3897 request assistance obtaining rebate from Blue Cross	inquiry made/referred
3898 mistake in billing by telephone company	inquiry made/referred
3899 unable to enforce judgment against builder	referred
3900 assistance requested in court against insurance company	referred
3901 sought reimbursement for unused ticket	referred
3902 refused to pay remainder of bill	referred
3903 new car without spare tire	referred
3904 new car rattles	referred
3905 seeking redress for new leaking boat	referred
3906 dismissed from employment	referred
3907 faulty T.V.	referred
3908 could not get refund for faulty product	independently resolved in favour complainant
3909 mail order agreement ignored	referred
3910 very concerned about the environmental impact of waste disposal wells	referred
3911 real estate firm in breach of regulations	explanation given
3912 claim against former employer for owed commission	advice given
3913 fell in supermarket and wanted compensation	referred
3914 policy rendered ineffective	referred

PRIVATE BUSINESS

- 425 -

NO.	RESULT
3915 former company owed him money	referred
3916 excess of proceeds from sale of home not received and still pressed for loan for same home	inquiry made/referred
3917 bonds cashed without interest and without proper signature	inquiry made/referred
3918 not advised re capital gains tax on sale of house	referred
3919 leak in underground gasoline tank entered water system	referred
3920 did not want to join new pension plan but wanted money back from previous pension plan	explanation given
3921 cancellation of insurance policies	referred
3922 vendor of restaurant in a state of bankruptcy	inquiry made/referred
3923 tricked out of eligibility for disability pension	referred
3924 trailer not suitable for northern winters	referred
3925 employment terminated rather than given alternative work suitable to compensable dermatitis condition	inquiry made/referred
3926 pension benefits owing to her	inquiry made/referred
3927 unjust dismissal eight years ago	referred
3928 excessive fees charged for art lessons	inquiry made/referred
3929 lie detector tests used as prerequisite to employment	inquiry made/referred
3930 lease not all-inclusive as agreed originally	advice given
3931 refusal to accept manuscript due to involvement in litigation with another author	advice given

PRIVATE BUSINESS

- 426 -

NO.	RESULT
3932 automobile rusting	referred
3933 billed for unauthorized advertisement	advice given
3934 unfavourable lease signed when complainant incompetent	referred
3935 pension reduction	referred
3936 disability claim disallowed	referred
3937 wages owing from bankrupt company	referred
3938 dissatisfaction with the phone rates	referred
3939 blender not returned by firm	referred
3940 major repairs necessary on new house	referred
3941 unjust eviction	advice given
3942 failure to pay interest	referred
3943 unfair job dismissal	referred
3944 leakage in basement of new home	advice given
3945 non-registration of subdivision plan	inquiry made
3946 conversion of apartment from rental to condominium accommodation	referred
3947 difficulty in obtaining information re laundry operation cost	inquiry made/referred
3948 difficulty in obtaining pension	inquiry made/referred
3949 loss of radio part during repair work	referred

PRIVATE BUSINESS

- 427 -

NO.	RESULT
3950 refusal to honour request re payment to creditors	referred
3951 harassment by bankrupt company re monuments	referred
3952 dissatisfactory insurance firm service	referred
3953 failure to refund apartment deposit	referred
3954 dissatisfactory settlement re motor vehicle accident	referred
3955 unfair subsidies to garages by oil companies	referred
3956 excessive increase in insurance premiums	referred
3957 advertisements false and misleading	inquiry made/referred
3958 attempted coercion re signing false statement	referred
3959 sick leave benefits not paid on two occasions	assisted resolution in favour complainant
3960 mining company had not removed buildings from private property	inquiry made/referred
3961 television retailer will not rectify problem with set	referred
3962 employment terminated because of accident	referred
3963 defective automobile, unfair selection of sweepstakes winners, film purchased was out-of-date	referred
3964 labourers stole bushels of apples from farm in 1959	no solution identified
3965 proposed dredging of bay would cause pollution	inquiry made/referred
3966 sub-contractor not paid for work on Thunder Bay Courthouse	referred

PRIVATE BUSINESS

- 428 -

NO.	RESULT
3967 inquiry regarding employer's issuance of separation papers	inquiry made/referred
3968 bankruptcy forced loss of deposit made on furniture	inquiry made/referred
3969 problems dealing with insurance agent	inquiry made/referred
3970 parent company refused to sell parts necessary for contract, contract lost	referred
3971 insurance policy cancelled unfairly	referred
3972 employment contract with golf club not renewed and as a result other employers are blacklisting complainant	referred
3973 unwarranted dismissal from employment	inquiry made/referred
3974 refusal to fully settle insurance claim	referred
3975 house builder refused to make structural repairs	referred
3976 deposit paid prior to house purchase not refunded	referred
3977 new owner of hotel dismissed employee unjustly	referred
3978 purchaser of property withheld \$4000 of price	referred
3979 auto manufacturer refused to fulfill terms of automobile warranty	inquiry made/referred
3980 breach of agreement regarding easement	referred
3981 diseased fish purchased from pet shop, caused disease in fish already in aquarium	referred
3982 employment terminated unfairly, salary not paid during period of illness	referred
3983 magazine subscription problems	referred

PRIVATE BUSINESS

- 429 -

NO.	RESULT
3984 no telephone service in subdivision	referred
3985 high mortgage brokerage fee causing severe financial hardship	referred
3986 proceeds not forwarded by real estate agent from sale of house	referred
3987 back wages not paid by carpet cleaning firm (See Detailed Summary #164)	assisted resolution in favour complainant
3988 shipment damaged by transport firm - no compensation paid	referred
3989 rust damage to late model car excessive	referred
3990 objections to newspaper article concerning private association	referred
3991 tradesman had not fulfilled terms of contract	referred
3992 radio sent for repairs, not returned by company	referred
3993 firm's bankruptcy made it impossible to collect wages owed	referred
3994 diabetic not considered for factory job	referred
3995 insurance firm would not settle claim	referred
3996 difficulties arising from settlement of defective carpet purchase	referred
3997 supplier of merchandise failed to honour contract	referred
3998 service centre failed to perform repairs under warranty	referred
3999 information request - minority shareholder's rights in company takeover	referred
4000 minority shareholder had no say in operation of company	referred

PRIVATE BUSINESS

- 430 -

NO.	RESULT
4001 backlog of claims to be processed by inquiry made employer for O.H.I.P.	
4002 cheque cashed but product not received	referred
4003 wanted an inquiry into a hotel fire	referred
4004 beaver blockage caused flooding	referred
4005 poor construction of house	referred
4006 wanted to protect his art	inquiry made/referred
4007 entered insurance contract for three years yet it unilaterally cancelled	referred
4008 dismissed after 25 days for failing medical exam - poor eyesight	referred
4009 faulty humus toilet causing damage and inconvenience	referred
4010 bottle of liquor confiscated	referred
4011 finance firm did not fulfill its obligation	referred
4012 inability in paying for loan	assisted resolution in favour complainant
4013 received no assets from the distribution after bankruptcy	referred
4014 never notified that car was to be repossessed	inquiry made/referred
4015 centre refused admission to a blind mentally retarded child	advice given
4016 duty and content forms on parcels deliberately filled out unclearly	referred
4017 discrepancies in drug prices	inquiry made/referred
4018 poor quality broadloom	referred

PRIVATE BUSINESS

- 431 -

NO.	RESULT
4019 endorsement of estate cheque	referred
4020 defective automobile	referred
4021 wearing of safety glasses	independently resolved in favour complainant
4022 amount owing from insurance firm	referred
4023 complaint against unknown bank by unknown complainant	explanation given
4024 faulty building materials in prefab home	referred
4025 faulty automobile - no action from dealer or manufacturer	referred
4026 denial of claim - loss of diamond ring	referred
4027 failed to respect his request to apply a \$10.00 credit to his policy - sent him cheque	referred
4028 unauthorized sale of soya beans	referred
4029 building not completed and poorly constructed	inquiry made/referred
4030 inadequate servicing of tractors	referred
4031 unable to obtain full settlement from insurance company	referred
4032 job demotion resulted from suspension for working under the influence of alcohol	referred
4033 assistance requested in securing balance of cash surrender value of insurance policy	no solution identified
4034 automobile defects not corrected by dealer or manufacturer	referred
4035 dealer refused to assume complete cost of repairs done under warranty	referred

PRIVATE BUSINESS

- 432 -

NO.	RESULT
4036 local T.V. repairman delaying	referred
4037 local factory producing explosives illegally	referred
4038 placement in nursing home delayed	explanation given
4039 dispersal of estate funds delayed	explanation given
4040 defective automobile rust-proofing	referred
4041 rental deposit not returned	inquiry made/referred
4042 funds not disbursed in compliance with will	explanation given
4043 request for information regarding duration of insurance coverage following claim	assisted resolution in favour complainant
4044 delays in settling problem with former employer	referred
4045 overtime never paid	abandoned
4046 construction poorly and partially completed	referred
4047 poor workmanship in rustproofing process	advice given
4048 defective bus - no action taken	referred
4049 house never properly finished	referred
4050 wages owing	referred
4051 reneging on agreement to pay legal fees	advice given
4052 car seized by finance company	advice given
4053 wife's reputation damaged due to unjust job dismissal	explanation given
4054 unsatisfactory chesterfield suite	referred

PRIVATE BUSINESS

- 433 -

NO.	RESULT
4055 exorbitant cost of cable T.V. installation	advice given
4056 overcharged for roofing services	referred
4057 insufficient benefits from pension plan	advice given
4058 defective carpeting	referred
4059 unfair job dismissal	referred
4060 bankruptcy of travel agency	referred
4061 no complaint specified	abandoned
4062 loss of a radio part	advice given
4063 difficulty in placing long distance calls due to lack of bilingual operators	referred
4064 wanted legal advice as to whether or not there is a contract	referred
4065 in possession of stocks in crooked mining company	referred
4066 reimbursement for stolen jeep	referred
4067 mortgage application refused	independently resolved in favour complainant
4068 unable to obtain refund of deposit upon job termination	inquiry made
4069 refused reimbursement for water damage	referred
4070 non-receipt of payment for property sale	referred
4071 improper business conduct by insurance firm	referred
4072 company operating illegally without mortgage broker's licence	referred
4073 refund on incorrect merchandise withheld	independently resolved in favour complainant

PRIVATE BUSINESS

- 434 -

NO.	RESULT
4074 unfair dismissal by drug firm	advice given
4075 improper business practice by real estate firm	referred
4076 construction defects in new home	referred
4077 increase in original estimate for moving charges	inquiry made/referred
4078 denial of agreement to accept return of unsold merchandise	referred
4079 unwillingness to terminate lease without excessive costs	referred
4080 women discriminated against in tavern's former men's room	advice given
4081 loss of money on shares that had risen in value	advice given
4082 pressured into making a deposit on house that complainant did not want to buy	referred
4083 wrongful dismissal of employment	referred
4084 high cost for premiums	referred
4085 would not pay for paint job needed on rusted car	referred
4086 total amount of loan still owing is too high	inquiry made/referred
4087 threatened with court action because of outstanding loan	referred
4088 unfair cancellation of fire insurance policy	referred
4089 construction costs for installation of telephone service too high	inquiry made/referred
4090 excessive amount of smoking on privately owned bus	referred

PRIVATE BUSINESS

- 435 -

NO.	RESULT
4091 delay in receiving new insurance policy	referred
4092 unjustly suspended from work and unfair treatment after resuming work	referred
4093 amount charged for a survey of property too high	referred
4094 policy cancelled for failure to maintain premiums	referred
4095 several construction defects in new home	advice given
4096 dissatisfied with offer to repair furniture again	referred
4097 discrimination in employer's pension plan - women's age is sixty and men's is sixty-five	referred
4098 payment for insurance claim too low	referred
4099 threatening legal action because of refusal to pay	advice given
4100 defective tape recorder	advice given
4101 gave no reasons for refusing employment	explanation given
4102 dealer would only take back defective vehicle if owner took substantial loss	referred
4103 wanted replacement for new truck - rusting and peeling paint	referred
4104 sold mobile home and kept proceeds	advice given
4105 unable to collect insurance claim	advice given
4106 had made deposit but had not heard of delivery date nor amount still owing	advice given
4107 car problem - no help from dealer	referred

PRIVATE BUSINESS

- 436 -

NO.	RESULT
4108 fire insurance reimbursement	advice given
4109 received threatening letter re repair bill	advice given
4110 newly built basement had cracking walls	advice given
4111 unfairly requested to pay cash shortages	referred
4112 firm intended to phase-out trailer court	advice given
4113 notice to sell complainant's house to satisfy creditor	inquiry made/referred
4114 excessive fee for survey	referred
4115 returning merchandise to another province and wanted assurance that money would be refunded in full (See Detailed Summary #162)	assisted resolution in favour complainant
4116 not compensated for loss of machine	advice given
4117 insurance settlement offered unacceptable	referred
4118 information requested as to obligations of loan	inquiry made/referred
4119 surveying fee unreasonably high	inquiry made/referred
4120 seniority cancelled and then fired after extensive period of sickness	referred
4121 delaying insurance payments	referred
4122 facing possibility of losing house because of falling behind in mortgage payments	advice given
4123 owner selling land and houses - will have to move	referred
4124 sold equipment with tax included where tax was not required	inquiry made/referred

NO.	RESULT
4125 proposed increase in telephone rates	inquiry made/referred
4126 substantial increase in insurance premium	referred
4127 delay in repairs to amplifiers	referred
4128 new oil furnace faulty so did not pay installments	referred
4129 faulty house construction	inquiry made
4130 uncooperative insurance firm	referred
4131 difficulty in obtaining insurance for those under psychiatric care	withdrawn
4132 increased retail milk prices	inquiry made/referred
4133 request to hook up to existing hydro supply	inquiry made/referred
4134 problems with former employer	referred
4135 unable to collect cash settlement due to company bankruptcy	inquiry made/referred
4136 extra tuition fees a contradiction of terms outlined at time of enrollment	explanation given
4137 discrimination against francophones by newspaper	independently resolved in favour complainant
4138 inadequate compensation for husband's death	advice given
4139 inadequate insurance coverage	explanation given
4140 construction faults rampant in new house	inquiry made/referred
4141 sales distributorship was not renewed upon lapse of contract	referred
4142 failure to honour contract to supply books for distribution	independently resolved in favour complainant

PRIVATE BUSINESS

- 438 -

NO.	RESULT
4143 unauthorized repairs performed on car	referred
4144 furnace was installed poorly and had never functioned well	referred
4145 non-specific questions about a collection agency, private company, and legal aid	referred
4146 refused job because of diabetic condition	referred
4147 insufficient compensation for damage done in laying pipeline	referred
4148 employees should be paid overtime -anonymous complaint	listened
4149 retrieval of refund from travel agency	referred
4150 misuse of name on prize advertising materials	referred
4151 eligibility for disability pension	referred
4152 lack of heat in building during the summer months	listened
4153 retrieval of deposit on yacht	referred
4154 faulty automobile	referred
4155 builder did not complete work	independently resolved in favour complainant
4156 refused to give refund	independently resolved in favour complainant
4157 deposit on automobile not returned (See Detailed Summary #165)	assisted resolution in favour complainant
4158 faulty tires - no help from retrailer	referred
4159 feel they were pawns between agent and supplier of insurance	referred
4160 failure of auto manufacturer to honour warranty	referred

PRIVATE BUSINESS

-439 -

NO.	RESULT
4161 faulty automobile - no help from dealer or manufacturer	referred
4162 delayed repair to amplifier	referred
4163 new house basement contravened by-law	referred
4164 improper cleaning of furnace wrecked it	referred
4165 incomplete building, but contractor suing	referred
4166 faulty jeep - no help from dealer or manufacturer	referred
4167 refusing to pay claim after accident	referred
4168 trying to retrieve back wages from bankrupt company	referred
4169 wished bank loan to be forgiven	referred
4170 was in accident - creditors pressing for payment	referred
4171 complaint against private developer	referred
4172 inadequate service from telephone company	referred
4173 problem with insurance company	referred
4174 increased premiums	referred
4175 seizure of vehicles over loan	referred
4176 ethics of company	referred
4177 pension benefits transferred	referred
4178 pension benefits transferred	referred
4179 poor quality building	referred

PRIVATE BUSINESS

- 440 -

NO.	RESULT
4180 advice sought re lapsed policies	referred
4181 building quality poor	referred
4182 denial of contract	referred
4183 refused separation pay	inquiry made/referred
4184 defective tires on automobile	referred
4185 mishandling of house sale	referred
4186 mismanagement of affairs by real estate agents	referred
4187 retention of separation certificate by employer - additional holiday pay owing	referred
4188 unsatisfactory merchandise from massage firm	referred
4189 automobile rust	referred
4190 compensation refused for automobile rust	referred
4191 faulty house construction	referred
4192 discrepancies regarding amount of money received and to be paid for insurance policies	referred
4193 faulty car repair job resulting in considerable further expense	referred
4194 delay in transfer of account	advice given
4195 refused to reimburse repair costs for faulty merchandise	referred
4196 faulty house construction - payment withheld - resulting lawsuit and counterclaim	referred
4197 refused to refund rent deposit	referred

PRIVATE BUSINESS

- 441 -

NO.	RESULT
4198 incorrect insurance invoice	referred
4199 contractual obligations unfulfilled	referred
4200 defective merchandise - dealer no longer in business	inquiry made/referred
4201 contract re mobile home contents not honoured	advice given
4202 complaint against insurance firm	referred
4203 poor quality house paint	referred
4204 problem with well caused by local drilling	explanation given
4205 faulty upright freezer - no help from dealer	referred
4206 refused to install telephone	referred
4207 refused to honour guarantee	referred
4208 real estate agents seeking full commission for house sale despite not fulfilling obligations	advice given
4209 unfair treatment by private firm	advice given
4210 misrepresentation of an agreement of purchase	referred
4211 information requested - what happens to monies left in a pension fund	advice given
4212 possession of furniture delayed due to vendor bankruptcy	inquiry made/referred
4213 difficulty being rehired	advice given
4214 termination of employment as a hairdresser	referred
4215 defective automobile - no help from dealer	referred

PRIVATE BUSINESS

- 442 -

NO.	RESULT
4216 new doors and windows not delivered	referred
4217 unable to return suit - shop out of business	referred
4218 sold a new rust-prone car	referred
4219 fire insurance rates raised drastically	referred
4220 dissatisfied with new car and with service	inquiry made/referred
4221 problem re telephone line	referred
4222 unable to obtain insurance for logging truck	inquiry made/referred
4223 billing for blood tests unfair since covered by full premiums assistance	assisted resolution in favour complainant
4224 due to construction, property is under water	independently resolved in favour complainant
4225 refused responsibility for damage to mobile home	referred
4226 barred from entering store	advice given
4227 incurred damages from water flooding basement	advice given
4228 refused to extend phone service unless payment for required cable	referred
4229 problem concerning a defective chain saw	referred
4230 information request - protection of artist's copyright	inquiry made/referred

PRIVATE INDIVIDUAL

OUTSIDE JURISDICTION

4231 car towed away and sold while complainant was in jail	referred
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NO.	RESULT
4232 husband ejected wife from family home after 33 years of marriage - law does not protect her ownership right	referred
4233 civil case resulting from conditional sale of a house was worrisome	referred
4234 rent too high - \$200/month	referred
4235 loss of deposit on purchase of house result of real estate broker's dishonesty	referred
4236 neighbour neglected to inform purchaser of house that property line was incorrect	referred
4237 brother's body improperly interred by sister-in-law	inquiry made/referred
4238 landlady hostility - refused to pay rent	referred
4239 landlord expects payment for alterations made to apartment without tenant's knowledge	referred
4240 husband's maintenance payments in arrears	advice given
4241 sale of water right-of-way may deprive residents of water	referred
4242 overcharging by owner of trailer park	referred
4243 real estate agent sold house below market value	referred
4244 unable to reclaim furniture seized from third party as a result of bankruptcy	inquiry made/referred
4245 husband and wife could not agree on property split upon divorce	referred
4246 landlord raised mobile home rent too much	referred
4247 landlord attempting to evict tenant despite 60 day notice required by law	referred
4248 husband caused wife to leave marital home	referred

PRIVATE INDIVIDUAL

- 444 -

NO.	RESULT
4249 loss of personal property under false pretences	referred
4250 friend, a contractor, did not complete a construction job	advice given
4251 wife cashing old age pension cheques without permission	advice given
4252 person who sold financial savings plan guilty of deception	referred
4253 dispute over ownership of land	referred
4254 disagreement concerning ownership of estate	referred
4255 neighbour refused to cut his grass	referred
4256 house vendor wanted to back out of deal	referred
4257 financial loss due to back out by prospective buyer	referred
4258 confiscation of possessions	referred
4259 divorce problem	inquiry made/referred
4260 discomfort and inconvenience due to apartment conversion	referred
4261 accused of breach of contract	referred
4262 problems with schizophrenic spouse	referred
4263 neighbours were living on property	referred
4264 worked overtime but paid straight time rate	referred
4265 wished to preclude husband from asserting any rights against property	referred
4266 cost of fill for property should be paid by previous owner who verbally agreed to pay	referred

PRIVATE INDIVIDUAL

- 445 -

NO.	RESULT
4267 difficulties in obtaining a right of way	referred
4268 school principal failed two brothers but passed son	advice given
4269 unable to obtain complete accounts from executors	inquiry made
4270 paid with worthless cheques	referred
4271 unable to sublet apartment and could not pay rent	referred
4272 misled on dimensions of property, then unable to sell	referred
4273 squatters refused to leave house or pay rent	advice given
4274 neighbour encroaching on property with approval of municipality	referred
4275 husband took custody of children despite court order	advice given
4276 dispute over ownership of land	referred
4277 request for advice regarding civil suit	referred
4278 request for advice regarding enforcement of civil court judgment	inquiry made/referred
4279 request for advice concerning laying of criminal charges	referred
4280 mother-in-law mistakenly insists she is owed \$1000.	referred
4281 executors of aunt's will failed to properly handle will	referred
4282 overpricing of spectacles in Wawa	inquiry made/referred
4283 former course leader attempted to break and enter house	referred

PRIVATE INDIVIDUAL

- 446 -

NO.	RESULT
4284 land surveyor charged more than price quoted	referred
4285 actions of private individual	advice given
4286 requested a complainant's address	explanation given
4287 loss of private cheque for \$7,500	referred
4288 deed of land withheld	explanation given
4289 court action as a result of termination of business agreement	referred
4290 termination of business agreement resulting in forfeiture of paintings	advice given
4291 attempted eviction from senior citizens home and interference with receipt of pension	abandoned
4292 indiscriminate piling of neighbour's fill causing flooding	no solution identified
4293 outstanding court settlement unpaid except for \$10,000. paid by Motor Vehicles Accident Claims Fund	referred
4294 Will not effective to pass real property	advice given
4295 person charged with son's murder not found guilty	referred
4296 did not secure mortgage	referred
4297 wished to make financial settlement with former common-law husband	referred
4298 seeking assistance in recovering child	referred
4299 former supervisor wrote an uncomplimentary evaluation	referred
4300 harassment by neighbour	referred

PRIVATE INDIVIDUAL

- 447 -

NO.	RESULT
4301 signed documents to assist husband	referred
4302 marriage separation dispute	explanation given
4303 entitlement to share of holdback commission	advice given
4304 assaulted and prevented from working	inquiry made
4305 disagreement over jointly owned land	advice given
4306 pharmacist holding prescription	referred
4307 outstanding tax bill from previous owner	referred
4308 tenancy dispute and unpaid hydro bill	referred
4309 husband in arrears with support payments	referred
4310 tenancy dispute	referred
4311 difficulties obtaining title to house and land	advice given
4312 signed everything over to husband	referred
4313 tea room owner stuck with bad cheques - one a government cheque with endorsement a forgery	advice given
4314 advice on divorce proceedings	referred
4315 wished to locate missing father	referred
4316 former son-in-law is not returning borrowed money	referred
4317 protesting disbursement of sister's estate	referred
4318 purchaser of half her property wished the other half	referred
4319 son's eye knocked out by two children	referred

PRIVATE INDIVIDUAL

- 448 -

NO.	RESULT
4320 many difficulties with former girlfriend	referred
4321 prevention of access to property	referred
4322 outstanding writ already paid	assisted resolution in favour complainant
4323 money owing for half interest in house	referred
4324 neighbouring rabbitry attracting rodents	inquiry made/referred
4325 access to neighbouring lot through complainant's property	inquiry made/referred
4326 delay in estate settlement	referred
4327 impending law suit concerning alleged property damage	referred
4328 undesirable tenants in house	referred
4329 lost home and possessions to ex-husband - forced to go on welfare	referred
4330 illegal road closure	referred
4331 unfair termination of employment	referred
4332 lack of compensation for fire damage	referred
4333 alleged conspiracy and harassment	advice given
4334 unsatisfactory visiting arrangements re children of divorced couple	referred
4335 car seized because of outstanding lien - extra financial expenses for owner	referred
4336 child's emotional stability threatened if father given custody	advice given
4337 unpaid mortgage - removal of stock	referred

PRIVATE INDIVIDUAL

- 449 -

NO.	RESULT
4338	ineligibility to claim damages for motor vehicle accident inquiry made/referred
4339	inaccurate land deed discription inquiry made/referred
4340	unfair job dismissal referred
4341	problems with divorce settlement referred
4342	purchased faulty automobile referred
4343	barrels used illegally by neighbour as barracade on beach assisted resolution in favour complainant
4344	request for assistance in suing individual referred
4345	request for assistance concerning legal problems referred
4346	NSF cheque written for farm equipment at auction referred
4347	after paying for a lawyer, charges in civil suit were dropped referred
4348	person to whom money was lent went to Alberta referred
4349	husband causing problems for wife referred
4350	repossession of mobile home means tenants must move referred
4351	request advice concerning unpaid support to former wife referred
4352	grandmother requested custody of grandson for Christmas holidays referred
4353	possession and home problems with separated wife referred
4354	dispute with former common-law wife referred

PRIVATE INDIVIDUAL

- 450 -

NO.	RESULT
4355 trying to receive outstanding account	referred
4356 has not received money for car	referred
4357 car registration never transferred	referred
4358 family problems	advice given
4359 wife's life threatened	advice given
4360 defrauded of money	referred
4361 divorce payments in arrears	advice given
4362 emotional and family problems	inquiry made/referred
4363 dangerous man roaming the streets leading a life of crime	listened
4364 noisy neighbours	referred
4365 lien placed on van	referred
4366 problem with estate settlement	referred
4367 noise and interference from neighbour's citizen band radio	withdrawn
4368 no guests allowed unless an additional water and electricity fee was paid	referred
4369 law governing dealings between mortgagee and lien holder is unfair	referred
4370 harassment by neighbour	referred
4371 double billing made by contractor	referred
4372 property surveyed improperly	inquiry made/referred
4373 hearing for subdivision approval delayed by neighbours objections	explanation given

PRIVATE INDIVIDUAL

- 451 -

NO.	RESULT
4374 title to property disputed	inquiry made
4375 compensation for property damage caused by tenants	explanation given
4376 unsuccessful in recovering accident damage	referred
4377 subcontractor put lien on property	referred
4378 unable to obtain divorce	referred
4379 problem with estate settlement	advice given
4380 writ issued against complainant re civil matter	advice given
4381 refused permission to see grandchild	explanation given
4382 slanderous talk regarding stay in mental hospital	referred
4383 land not transferred pursuant to the registration of a deed	referred
4384 sold house under false pretences	referred
4385 neighbour's cats causing health hazard	referred
4386 property dispute - claiming strip of land	referred
4387 alleged unpaid debts to father-in-law	referred
4388 unable to secure employment because of epileptic condition	inquiry made/referred
4389 septic system and weeping tiles on neighbouring property located too near boundary	inquiry made/referred
4390 confiscation of WCB correspondence by wife	inquiry made/referred
4391 dispute over rightful ownership of property	inquiry made

PRIVATE INDIVIDUAL

- 452 -

NO.	RESULT
4392 attempt to purchase property having tax arrears owing	inquiry made/referred
4393 non-payment of mortgage	advice given
4394 driving accident	referred
4395 clarification of marital status	referred
4396 missing person - suspicious circumstances	advice given
4397 defaulting on purchase payments	referred
4398 not allowed to take car although signed an agreement to purchase	inquiry made/referred
4399 harassment by former landlord	advice given
4400 not complying with seperation agreement	advice given
4401 unable to locate children	referred
4402 unable to contact landlord about flooding problem	referred
4403 incurred substantial debts due to unwise investments made by relative	advice given
4404 landlord-tenant dispute - eviction threat (See Detailed Summary #167)	assisted resolution in favour complainant
4405 complaint regarding the interpretation of a will	referred
4406 husband not making support payments	referred
4407 underhanded real estate deal between members of same firm	referred
4408 husband not making support payments	referred
4409 request assistance in evicting irresponsible tenant	referred

PRIVATE INDIVIDUAL

- 453 -

NO.	RESULT
4410 surveyor's fees unusually high	listened
4411 request advice about damages claimed in automobile accident	referred
4412 car demolished by drunken teenager, no restitution made	referred
4413 when cheque finally arrived from former employer, it was N.S.F.	referred
4414 sought alimony from husband	referred
4415 request assistance dealing with assault case	referred
4416 request for advice about dispute over child custody	referred
4417 family had mother committed and dispossessed of her property	abandoned
4418 divorce settlement	referred
4419 divorce case	referred
4420 bequests from mother's estate	referred
4421 mistakenly sold an extra piece of property	referred
4422 ex-wife left him with mortgage in arrears	referred
4423 insufficient heat provided by landlord	referred
4424 retrieval of \$250 deposit	referred
4425 fire destroyed sailboat	referred
4426 numbering on street confusing for deliveries	referred
4427 dispute with neighbour re fence	referred

PRIVATE INDIVIDUAL

- 454 -

NO.	RESULT
4428 fence dispute with neighbour	referred
4429 problems with executor of estate	referred
4430 landlord-tenant dispute	referred
4431 landlord-tenant dispute	referred
4432 eviction from father's land	referred
4433 dissatisfaction with dental treatment and objection to high cost	inquiry made/referred
4434 family problems - wished to divorce wife	referred
4435 refund refused for falsely appraised ring	referred
4436 plaintiff used courts to put complainant out of business	referred
4437 mishandling of property by wife- divorce action pending	advice given
4438 court action taken by ex-employee to claim wages	referred
4439 money owing on business transaction	referred
4440 difficulty re collection of maintenance	advice given
4441 unidentified complaint	referred
4442 harassment with intention of having grant rejected	advice given
4443 infringement of property boundary	advice given
4444 property purchase agreement not honoured	referred
4445 unjust termination of employment	advice given
4446 financial loss due to near bankruptcy	referred

PRIVATE INDIVIDUAL

- 455 -

NO.	RESULT
4447 unsatisfactory construction of new home	referred
4448 law suit - commission on sale of house withheld pending acquisition of Declaration of Possession	inquiry made/referred
4449 confusion over estate administration	referred
4450 landlord wished to evict tenants	referred
4451 recovering money from salesman	referred
4452 privately purchased trailer repossessed	referred
4453 dispute over right-of-way	referred
4454 cheated out of farm rightfully belonging to complainant	inquiry made/referred
4455 former wife neglecting and abusing children	referred
4456 information request re a driver involved in an accident	referred
4457 request for information regarding a driver involved in an accident	referred

UNIVERSITIES-PRIVATE

OUTSIDE JURISDICTION

4458 policies of administration are unfair	referred
4459 concern over non-acceptance of application	independently resolved in favour complainant
4460 information request - procedures for admission to university	inquiry made/referred
4461 expulsion from medical faculty due to racial prejudice	inquiry made/referred
4462 non-renewal of teaching contract	referred

UNIVERSITIES-PRIVATE

- 456 -

NO.	RESULT
4463 dismissal from teaching staff	advice given
4464 refused admission to music course	advice given
4465 refused admission to social work program	referred
4466 withdrawal of admission offer	inquiry made
4467 full credit not granted for previous courses	inquiry made/referred
4468 employment contract not renewed	inquiry made/referred
4469 withholding of marks because of refusal to pay small amount	advice given
4470 wished to withdraw from pension fund	referred
4471 faculty - tenure	explanation given

MUNICIPAL CONSERVATION
AUTHORITY

- 457 -

NO.

RESULT

OUTSIDE JURISDICTION

4472	difficulty in having property rezoned	referred
4473	local planning board did not recommend in favour of application for severance	referred
4474	financial expenditure to recover illegally registered land	advice given
4475	unfair expropriation compensation	advice given
4476	terms of sale of land to authority not complied with	referred
4477	water rights threatened by authority's plans to build nearby well	inquiry made/referred
4478	unacceptable property assessment for purpose of expropriation	referred
4479	unfair job dismissal	inquiry made
4480	possible adverse effects from proposed dam	referred
4481	refusal to grant septic tank permit as a result of soil testing and evaluation	referred
4482	refused building permit	referred
4483	refusal to pay legal expenses regarding expropriation proceedings	referred
4484	refusal of application for building permit	referred

MUNICIPAL BOARDS OF EDUCATION

OUTSIDE JURISDICTION

4485	compensation for injury which occurred in school	referred
4486	refusal to proceed with construction of French language school	independently resolved in favour complainant

MUNICIPAL BOARDS OF EDUCATION

- 458 -

NO.	RESULT
4487 election procedures to board unfair	inquiry made/referred
4488 refusal to proceed with construction of French language school	independently resolved in favour complainant
4489 refusal to proceed with plans to build French language high school (See Detailed Summary #145)	explanation given
4490 refusal to proceed with construction of French language school	independently resolved in favour complainant
4491 refusal to proceed with construction of French language school (See Detailed Summary #145)	explanation given
4492 refusal to proceed with construction of French language school	independently resolved in favour complainant
4493 information request concerning more diversified grant system to schools	referred
4494 refusal to proceed with construction of French language school	independently resolved in favour complainant
4495 transportation agreement nullified - Board not willing to pay new costs incurred	referred
4496 no supervision provided for children crossing busy road to school bus	referred
4497 rejection of application for school for retarded children	assisted resolution in favour complainant
4498 failure to file report on school bus pick-ups	explanation given
4499 children refused use of school bus	advice given
4500 inadequate bus transportation (See Detailed Summary #155)	independently resolved in favour complainant
4501 improper hiring practice	referred
4502 exorbitant taxation	referred

MUNICIPAL BOARDS OF EDUCATION

- 459 -

NO.	RESULT
4503	duty of school to make parents aware of children's reading difficulties referred
4504	lack of school bussing service to isolated family inquiry made/referred
4505	inappropriate wage scale determination applied to employee referred
4506	child's lack of progress in school fault of teachers referred
4507	conflict over possession of scholarly works produced while employed by school board referred
4508	change in school bus route inquiry made/referred
4509	lack of program for Francophone retarded children inquiry made/referred
4510	teaching contract not renewed referred
4511	insufficient space for disabled child in special opportunity class at local school referred
4512	complaint about teacher and lack of assistance from board referred
4513	tender for musical instruments granted to foreign company listened
4514	refused recommendation - unable to renew letter of standing referred
4515	poor tactics used to enforce discipline advice given
4516	pressuring daughter to obtain social insurance number inquiry made/referred
4517	son unjustly suspended from high school while living in group home referred
4518	dissatisfied with request to resign from teaching position referred
4519	labour dispute with local board referred

MUNICIPAL BOARDS OF EDUCATION

- 460 -

NO.	RESULT
4520 refused permission to attend high school in neighbouring district	advice given
4521 unfairly dismissed	referred

MUNICIPAL GARBAGE

OUTSIDE JURISDICTION

4522 closing of town dump and weekly garbage pick-up	inquiry made
4523 no opportunity given to vote on introduction of service	referred

MUNICIPAL GOVERNING BODY

OUTSIDE JURISDICTION

4524 subdivision proposal approved for greenbelt area (See Detailed Summary #157)	inquiry made/referred
4525 municipal engineer refused to approve road into property	referred
4526 pressure from employers brought about resignation of staff doctor	inquiry made/referred
4527 information requested re councillors residing out-of-town	referred
4528 recovery of land blocked by township	referred
4529 municipality refused to invest in right of way for private trailer park	referred
4530 property rezoned	referred
4531 municipality terminated employment without just cause	referred
4532 request information regarding municipal rezoning procedures	inquiry made/referred

MUNICIPAL GOVERNING BODY

- 461 -

NO.	RESULT
4533 name deleted from civil election canvasser's list	explanation given
4534 unfavourable zoning restrictions imposed by local official plan	referred
4535 city employees' group insurance plan refused to pay benefits	referred
4536 unfair provisions of local official plan	referred
4537 East York opposed expansion of day care centre	referred
4538 traffic control in parking lot	referred
4539 construction of drain by municipality on complainant's property	referred
4540 discrimination against native people re home purchase	explanation given
4541 payments made to municipality re Ontario Home Renewal Plan too high	inquiry made/referred
4542 unjust handling of tax sale	referred
4543 refused parking permit	referred
4544 cost of construction of watermain too high for residents	advice given
4545 unwritten regulation that all public utilities employees must live within the limits of the town	referred
4546 zoning by-law restricts selling off land	advice given
4547 notices of applications for re-zoning were not circulated to all persons affected	referred
4548 contravened township by-law by converting stockroom into living quarters	referred
4549 amendment to planning order necessary prior to granting of building permit	independently resolved in favour complainant

MUNICIPAL GOVERNING BODY

- 462 -

NO.	RESULT
4550 neighbour encroaching on property with approval of municipality	referred
4551 refusal to grant building permit	inquiry made/referred
4552 refusal to grant building permit	referred
4553 delays and damage on part of municipality fouled well water	referred
4554 arbitrary issuance of summons for by-law infraction	referred
4555 various difficulties with municipal government	referred
4556 unfair local zoning by-law	referred
4557 road in wrong location - over only source of fresh water	inquiry made
4558 unfair price for expropriated land	referred
4559 unfair dismissal	listened
4560 application for building permit - if refused unable to sell land	circumstances changed
4561 insufficient expropriation payment	referred
4562 town council refused to open closed concession until area is more fully developed	referred
4563 home renewal renovations not completed	referred
4564 various local problems	referred
4565 ordered to do repair work and cleaning operations	advice given
4566 zoning change required for building	referred
4567 denial of land severance	referred

MUNICIPAL GOVERNING BODY

- 463 -

NO.	RESULT
4568 unjust employment practices in determining job placements	referred
4569 refused permission to conduct lottery to rebuild legion hall	referred
4570 request assistance concerning severence problem	referred
4571 speakers in municipal council allotted too much time, library fees excessive	referred
4572 request advice concerning possible expropriation of home	referred
4573 objections to direct homeowner subsidization of road widening project that should be paid for by taxes	referred
4574 arbitrary and inflexible rule regarding no forgiveness of loans	inquiry made/referred
4575 refusal to renew kennel licence	referred
4576 description of city lost	explanation given
4577 objections to gravel pit in their area	referred
4578 loss of clear title to home	independently resolved in favour complainant
4579 no notification of street widening project	referred
4580 change in zoning regulations resulted in difficulty in selling business premises	advice given
4581 agreement to provide services for building lots	referred
4582 building permit issued in error	referred
4583 unwarranted local improvement	referred
4584 unjust expropriation procedure (See Detailed Summary #158)	referred

MUNICIPAL GOVERNING BODY

- 464 -

NO.	RESULT
4585 new survey resulted in reduction of property frontages	referred
4586 contravention of procedure laid out in Local Improvement Act	referred
4587 legality of local by-laws questioned	advice given
4588 ordered to remove unapproved building	advice given
4589 law suit re breach of contract	advice given
4590 proposal to spend six million dollars on construction of police station, arena and library	referred
4591 proposed installation of new drain	referred
4592 sixty per cent of costs needed to repair meter line charged to local residents	advice given
4593 road widening scheme adversely affecting area financially and aesthetically	inquiry made/referred
4594 implementation of new zoning by-law	explanation given
4595 sub-standard roads and water system	referred
4596 notice of expropriation but no money offered and expropriation procedure not explained	advice given
4597 proposal to amend official plan re traffic controls	explanation given
4598 refused authorization to expand trailer park	referred
4599 withdrawal of road services	referred
4600 non-maintenance of municipal drain	referred
4601 street widening project proposed for residential area	referred
4602 zoning by-law to limit use of property	referred

MUNICIPAL GOVERNING BODY

- 465 -

NO.	RESULT
4603 official plan disregards private ownership of beaches	referred
4604 actions of mayor and council motivated by self-interest	referred
4605 illegal road closure	referred
4606 property remaining as natural environment designation	referred
4607 eviction from historical docking facilities	explanation given
4608 unauthorized ditch on property	referred
4609 information request re acquiring land to establish subdivision	inquiry made/referred
4610 forced to vacate land and remove cottage from site	referred
4611 forced to vacate land and remove cottage from site	referred
4612 property sold in error	explanation given
4613 ordered to remove illegal cabin	referred
4614 unfairly charged cost of fence construction	explanation given
4615 attempt to rezone area for commercial use	referred
4616 payment of developers legal costs by Township	explanation given
4617 proposal to rezone area resort residential for seasonal homes only	referred
4618 house foundation sinking due to unrepaired drain	referred
4619 change in by-laws re pet control	inquiry made/referred
4620 rights of quiet enjoyment infringed upon by local by-law officers	explanation given

MUNICIPAL GOVERNING BODY

- 466 -

NO.	RESULT
4621 house illegally expropriated, furniture seized, obstruction charges laid	inquiry made/referred
4622 inquiry regarding current use of defunct military base at Moosonee	inquiry made/referred
4623 building permit refused	referred
4624 land freeze meant no development could take place on privately owned lot	referred
4625 unjustly turned down for position of engineer with region	referred
4626 overcharged for cleaning of municipal drain	referred
4627 request for assistance in requesting amendment to ministerial order	inquiry made/referred
4628 application for taxi cab ownership rejected by metro licensing commission	referred
4629 local reeve and councillor approved construction of a fence which partially blocks driveway	referred
4630 village government had refused to participate in Ontario Home Renewal Program	inquiry made/referred
4631 dispute over placement of fence	referred
4632 expropriation of property unfair	referred
4633 displeasure with traffic signs of international variety	referred
4634 difficulty relating to municipal matter	assisted resolution in favour complainant
4635 misinterpretation of Ontario Home Renewal Program regulations	inquiry made/referred
4636 mobile home contravening local by-law	inquiry made/referred

MUNICIPAL GOVERNING BODY

- 467 -

NO.	RESULT
4637 removal from planning board	withdrawn
4638 possible construction of sanitary sewers	referred
4639 information request re Ombudsman jurisdiction over local administration	referred
4640 alleged illegality of the paying of wolf bounties by municipalities	inquiry made/referred
4641 recently formed group opposed plan for downtown development	inquiry made/referred
4642 municipality not acting responsibly in downtown redevelopment	referred
4643 discrimination against applicant for Home Renewal Grant	referred
4644 provisions of pension plan discriminatory	inquiry made/referred
4645 information request - appeal procedures in contesting by-law	referred
4646 lot levies required by regional municipality oppressive	explanation given
4647 expropriation settlement unfairly low	referred
4648 refused permission to locate mobile home on private property	referred
4649 dispute over removal of top floor	referred
4650 building lot permit denial	referred
4651 dispute concerning land transaction	advice given
4652 unfair method of awarding contracts	advice given
4653 refused permission to sever land	explanation given
4654 seeking reimbursement for glasses broken during a fall	explanation given

MUNICIPAL GOVERNING BODY

- 468 -

NO.	RESULT
4655 concerned about development of land around village	referred
4656 disallowed electrical licence	referred
4657 alleged conspiracy concerning hearing and land purchase	inquiry made
4658 denied building permit	inquiry made/referred
4659 contravention of municipal by-law	referred
4660 deregistration of plan of subdivision	inquiry made
4661 unsatisfactory road maintenance	referred
4662 improper expropriation procedures	referred
4663 sidewalks in hazardous condition	referred
4664 information request - particular zoning regulations	referred
4665 by-law enforced in tyrannical fashion	referred
4666 honoured original contract made for an Ontario Home Renewal Program Grant although dissatisfied with contractor's work	inquiry made/referred
4667 difficulty with by-law	referred
4668 no decisions made concerning status of area	referred
4669 declined to enter into agreement of taking over private road if residents brought road up to standards	inquiry made/referred
4670 told orally by local planning board that severance not possible	inquiry made/referred
4671 should advise by mail before cutting weeds on property	referred

MUNICIPAL GOVERNING BODY

- 469 -

NO.	RESULT
4672 insufficient compensation for expropriation	advice given
4673 inability to meet by-law standards regarding home	referred
4674 unwilling to enforce building standards	referred
4675 information request - procedure to follow when there is legal opposition to an official plan	inquiry made
4676 building permit ought not be have been issued for neighbour's new garage	referred
4677 proposed placing of mentally retarded persons in a house on her street	explanation given
4678 wished to obtain deed so as to ascertain ownership of highway frontage	referred
4679 various complaints concerning town administration	referred
4680 dismissed from job as fire chief	referred
4681 against proposed by-law	referred
4682 land zoning - wished to sell property to township	referred
4683 discharge of firearms to be prohibited	referred
4684 reimbursement for court case from municipality	referred
4685 bankruptcy of housing project - fear of appropriation for low rental housing	advice given
4686 installation of unnecessary drain	advice given
4687 prevention of access by road - inquiry regarding sea plane as legal means of access	inquiry made/referred
4688 rain water drain paved over with resultant leakage into basement	advice given

MUNICIPAL GOVERNING BODY

- 470 -

NO.	RESULT
4689 refused building permit	advice given
4690 refused landfill contract	advice given
4691 property damage caused by creek over flow	referred
4692 property expropriation for sewage plant	referred
4693 difficulty in obtaining information regarding proposed forest plan	advice given
4694 flood damage caused by broken water main	referred
4695 sewage charges levied against property by way of sub-division agreement and local improvement by-law	assisted resolution in favour complainant
4696 proposing to raise application fees for official plan amendments	referred
4697 gross discrepancy between estimated and actual cost of drainage system that cottage owners were to share	referred
4698 employment demotion due to political patronage	referred
4699 local council turned down application for loan under Ontario Home Renewal Program	inquiry made/referred
4700 unfair to take away frontages due to recent surveys of old road allowances	referred
4701 flooding caused by tampering with river's natural flow	referred

MUNICIPAL HYDRO

OUTSIDE JURISDICTION

4702 survey mistake - P.U.C. charges have doubled and rural hydro service may have to be installed	inquiry made/referred
4703 embarrassing techniques of making users pay their bills	inquiry made/referred

MUNICIPAL HYDRO

- 471 -

NO.	RESULT
4704 information request - non-payment of interest on deposit held by utility (See commission (See Detailed Summary #156))	inquiry made/referred
4705 collection of tenant's hydro bill from owner	inquiry made/referred
4706 increase in hydro rates due to land reassessment	referred
4707 hydro poles on complainant's property illegally	referred
4708 unilateral contract - all obligations rest with customer	listened
4709 level of lake not maintained properly at time of flood	inquiry made/referred

MUNICIPAL - OTHEROUTSIDE JURISDICTION

4710 engineering report not properly prepared	inquiry made/referred
4711 complainant's area not well shown on government maps	referred
4712 by-law enforcement prohibits addition to cottage residence	inquiry made/referred
4713 cutbacks in Public Health Nursing Services creating difficulties in communities	inquiry made/referred
4714 subsidy denied due to family's earnings being in excess of maximum allowable	referred
4715 denied municipal services	referred
4716 expropriation of land	explanation given
4717 outhouses endangering water supply	inquiry made
4718 tax land disposal agency falsely advertised land parcel	referred

MUNICIPAL - OTHER

- 472 -

NO.	RESULT
4719 unfairly dealt with by public works committee	inquiry made/referred
4720 approval of faulty house construction	circumstances changed
4721 discriminatory hiring practices	withdrawn
4722 concerned about inspection conducted on electrical and plumbing systems	referred
4723 denial of taxi licence	referred

MUNICIPAL PARKS-RECREATION

OUTSIDE JURISDICTION

4724 changed direction of current and washed away 50 ft. of property	referred
4725 inadequate supervision for children	assisted resolution in favour complainant
4726 improper usage of pools	referred

MUNICIPAL POLICE

OUTSIDE JURISDICTION

4727 inaccuracies in police report of automobile accident involving her child	referred
4728 inmate's request for assistance in obtaining clothes locked inside friend's impounded car	assisted resolution in favour complainant
4729 status of file retained by police force	referred
4730 failure of police to lay charges	referred
4731 charges improperly laid - resulted in expensive legal fees	referred
4732 conviction based upon false police testimony	referred

MUNICIPAL POLICE

- 473 -

NO.	RESULT
4733 harassment interfering with T.A.P. application	referred
4734 charge laid erroneously by police	inquiry made/referred
4735 treatment by police after arrest	referred
4736 ill-treatment of family	referred
4737 not entitled to retroactive wage increase	referred
4738 information request re jurisdiction of Ombudsman in police matters	explanation given
4739 results indicated a domestic dispute whereas believed to be a theft	assisted resolution in favour complainant
4740 lack of cooperation in consolidating charges	inquiry made/referred
4741 charges laid improperly	referred
4742 continually harassed	referred
4743 driver of sports car constantly stopped	referred
4744 prisoner not informed of reason for arrest	explanation given
4745 personal property seized and not returned	referred
4746 brutality on part of local police	withdrawn
4747 refused to further investigate hit and run accident	referred
4748 car passenger unfairly charged with refusing to take breathalyzer test	advice given
4749 illegal arrest at place of employment would jeopardize future job prospects	explanation given
4750 dismissal from RCMP - unable to gain employment with local police departments	referred

MUNICIPAL POLICE

- 474 -

NO.	RESULT
4751 assistance requested in lodging complaint	referred
4752 wished to lodge complaint	referred
4753 unjustified parking ticket	referred
4754 loss of personal property including a sizeable amount of money	referred
4755 investments jeopardized by actions of fraud squad	referred
4756 irregular and unusual efficiency employed in arresting inmate on T.A.P. employment	referred
4757 improper conduct in investigating son's death in auto accident	referred
4758 causing him embarrassment	referred
4759 searches and harrassment of himself and family	referred
4760 harassed by police over suspicion of extortion	referred
4761 mistreated both physically and mentally	referred
4762 harassmt over last three years	referred
4763 undue harassmt and threats	referred
4764 unprovoked assault resulted in charge of creating a disturbance	referred
4765 irregularities re arrest and conviction	referred
4766 speeding charge excessive and unwarranted	explanation given
4767 convicted on false information	inquiry made/referred
4768 improper conduct during investigation of motor vehicle accident	referred

MUNICIPAL POLICE

- 475 -

NO.	RESULT
4769 systematic harassment	listened
4770 denied civil rights during accident	referred
4771 job dismissal due to pressure from plain clothes inspector	referred
4772 son being harassed	referred
4773 harassment and unjust charges	referred
4774 unspecified problems	referred
4775 police mishandled personal property at time of arrest, requested assistance in regaining it	assisted resolution in favour complainant
4776 police officer misrepresented facts of motor accident in court	referred
4777 police lied under oath to gain conviction	referred
4778 searched apartment in absence - informed neighbours she was in jail	referred
4779 ejected from his home after his wife changed the locks	referred
4780 dissatisfaction with the searching of members of his social club	referred
4781 mistreatment by arresting officer	referred
4782 dangers involved in radar stops	referred
4783 harassment to native peoples	referred
4784 fear of harassment	referred
4785 unjust treatment	referred
4786 summons harassment	referred

MUNICIPAL POLICE

- 476 -

NO.	RESULT
4787 unjust charge of careless driving	referred
4788 controversy over car accident	referred
4789 undue concentration of manpower on enforcement of speeding laws	referred
4790 mistreatment and wrongfully charged with assault	referred
4791 framed on charges involving stolen goods	referred
4792 poor handling of case of missing son	referred
4793 driving harassment	referred
4794 harassment complaint	referred
4795 assaulted in station	referred
4796 information request re length of time option on property valid	advice given
4797 fears music lost while in police hands	referred
4798 constant problems with police	inquiry made/referred
4799 harassment - numerous tickets	referred
4800 non-enforcement of by-law concerning excessive noise at night	referred
4801 harassed and threatened	referred
4802 secret investigation and wire tapping	referred
4803 undue harassment	referred
4804 improper behaviour	referred
4805 unable to obtain police report re alleged assault and robbery	inquiry made/referred

MUNICIPAL POLICE

- 477 -

NO.	RESULT
4806 confiscation of funds	referred
4807 papers stolen and phones tapped - improper investigation	referred
4808 failure to respond when complainant's apartment broken into	referred
4809 confiscation of expired driver's licence and unfounded charges	referred
4810 police failed to act in apprehending bicycle thieves	referred
4811 property seized at time of arrest not returned	advice given
4812 harassment of black community	referred
4813 harassment of her children	abandoned
4814 inquiry regarding parole support	referred
4815 alleged raid and police brutality	referred
4816 not notified of son's detainment	referred
4817 undue harassment	referred
4818 unfair arrest and interference with bail hearing	inquiry made
4819 enforced resignation due to personality conflict and resultant inability to obtain a position with any police force	referred
4820 undue harassment	referred
4821 undue harassment	referred
4822 threatening, assaultive behaviour	referred
4823 loss of personal belongings	inquiry made/referred

MUNICIPAL POLICE

- 478 -

NO.	RESULT
4824 privileges - tobacco confiscation en' route to court	inquiry made
4825 constantly shadowed - threatening suicide	referred
4826 falsely arrested	referred

MUNICIPAL PUBLIC HEALTH

OUTSIDE JURISDICTION

4827 refusal to end lock out of public health nurses	inquiry made/referred
4828 Board locking out Public Health Nurses as result of labour dispute	inquiry made/referred
4829 property condemned	inquiry made
4830 actions of public health unit septic tank inspector	inquiry made/referred
4831 dismissed on racial and national basis	inquiry made/referred
4832 three summonses issued because of failure to comply with health order	referred
4833 refusal to end lock-out of public health nurses	inquiry made/referred
4834 lack of public health nursing services	inquiry made/referred
4835 lack of public health nursing services	inquiry made/referred
4836 non-enforcement of regulations regarding location of septic system and weeping tiles	inquiry made/referred
4837 lack of public health nursing services	inquiry made/referred
4838 lock-out of public health nurses	inquiry made/referred

MUNICIPAL ROADS

- 479 -

NO.

RESULT

OUTSIDE JURISDICTION

4839	paving of highway resulting in run-off of water over complainant's property (See Detailed Summary #159)	assisted resolution in favour complainant
4840	road ought to have been maintained by township	explanation given
4841	township roads in poor condition	referred
4842	non-maintenance of road	inquiry made
4843	municipality did not enforce developer's obligation to improve subdivision roads	referred
4844	several problems pertaining to maintenance of a public road	referred
4845	auto accident resulted from improperly maintained road - compensation desired	referred
4846	country road is too narrow	referred
4847	missing guard rail compounded effects of road accident	referred
4848	county roads department damaged retaining wall	advice given
4849	difficulties arising from road widening plan by local authorities	referred
4850	non-improvement of road surface	advice given
4851	information request re appointment of road superintendent, provincial funding of municipal roads and MTC regulations and municipal responsibilities	inquiry made/referred
4852	closing of roads	referred
4853	damages and injuries sustained from fall on city sidewalk should be compensated for	referred
4854	refusal to construct access road	inquiry made/referred

MUNICIPAL ROADS

- 480 -

NO.	RESULT
4855 inadequate compensation for right-of-way	inquiry made/referred
4856 sub-standard access road	advice given
4857 high noise levels during construction of Spadina Expressway	inquiry made/referred
4858 highway construction disrupted business	referred
4859 inability to obtain snow ploughing services from municipality	referred
4860 municipality refused to take over and maintain a road	referred
4861 decisions of council regarding alterations and improvements of road made without citizen input	referred
4862 road not constructed to standards	referred
4863 road causing drainage problems	referred
4864 expropriation of property for road allowance	referred
4865 road not properly serviced	referred
4866 old bridge ought to be maintained by town as tourist attraction	listened
4867 disliked method of lighting road	referred
4868 replacement of power lines due to road straightening	referred
4869 fence damaged by snow plow	inquiry made/referred
4870 road widening project detrimental to living conditions	inquiry made/referred
4871 proposed widening of road and expropriation of his frontage	referred
4872 lack of roads to Lake Simcoe	referred

MUNICIPAL ROADS

- 481 -

NO.	RESULT
4873 non-maintenance of roads	referred

MUNICIPAL SEWERS

OUTSIDE JURISDICTION

4874 failed to disclose reason for a very high increase in rate	advice given
4875 refused to fix crushed and broken sanitary sewer lateral	advice given
4876 delay and faulty work	referred
4877 flooding and erosion due to new drainage	inquiry made/referred
4878 dissatisfied with construction of drain on his property	referred
4879 flooding damages to finished basement	referred
4880 water and sewer works delayed by developer	referred
4881 dispute over drainage ditch	referred
4882 possibility of flooding	referred
4883 property flooding from municipal drain	inquiry made/referred
4884 installation of drains	referred
4885 blockage in drainage facilities	explanation given
4886 faulty sewers caused flood damage to private house	referred
4887 suing for flooding damages	referred
4888 septic sewer drainage running into his property	referred
4889 insufficient water pressure	inquiry made/referred

MUNICIPAL SEWERS

- 482 -

NO.	RESULT
4890 concerned with cost of municipal drain	referred
4891 unfilled ditch on property	advice given
4892 concern about responsibility for service pipes extending beyond lot line to street	referred
4893 difficulty in securing sewer and water services from town	referred
4894 installation of sewers	referred
4895 flooding possibility	referred
4896 inadequate storm sewage system	referred

MUNICIPAL TAXES

OUTSIDE JURISDICTION

4897 excessive increase in municipal rates	referred
4898 lost papers caused land taxes not to be paid - property then for sale to pay for tax arrears	assisted resolution in favour complainant
4899 property tax assessment too high	referred
4900 unfair property tax assessment procedure	inquiry made/referred
4901 interest demanded on unpaid education taxes - complainant not notified of assessment	inquiry made/referred
4902 misleading advertisement of land sale by municipal tax disposal agency	referred
4903 unjust second assessment	referred
4904 gross inequities in property taxes	referred
4905 unjust assessment	referred

MUNICIPAL TAXES

- 483 -

NO.	RESULT
4906 rural taxation same as town - services are referred less	
4907 objection to local improvement levy	explanation given
4908 discrepancy in property tax assessments	inquiry made/referred
4909 taxed for common laneway	referred
4910 wished to receive rebate of taxes paid	referred
4911 tax overpayment	referred
4912 wants rebate for overpayment	explanation given
4913 excessive taxes - taxation system unjust	explanation given
4914 over-assessment of taxes	referred
4915 owed tax refund	independently resolved in favour complainant
4916 refused statement of taxes owing and/or paid	assisted resolution in favour complainant
4917 recovery of court costs	advice given
4918 unjust property tax increase	referred
4919 unjust property tax increase	referred
4920 improper property tax assessment	referred
4921 taxes ought to be lowered to reflect services not provided	advice given
4922 assessment too high	abandoned
4923 confiscation of property due to non-payment of taxes	advice given
4924 taxation excessive	referred

MUNICIPAL TAXES

- 484 -

NO.	RESULT
4925 excessive property taxes	referred
4926 assessment rate doubled in one year	referred
4927 problem of real value taxation between two municipalities	advice given
4928 information request - next step in fighting assessment	referred
4929 assessment on cottage excessive	referred
4930 duplication of school taxes	referred
4931 trailer park taxation	advice given
4932 disagreement over taxes	referred
4933 controversy re land ownership and payment of taxes	referred
4934 unjust assessment	referred

MUNICIPAL TRANSIT

OUTSIDE JURISDICTION

4935 expansion of wheel-trans service	referred
4936 injuries caused due to negligence of bus driver	referred

MUNICIPAL WATER

OUTSIDE JURISDICTION

4937 unfair road maintenance charges	advice given
4938 water and sewer works delayed by developer	referred
4939 overpayment of water charges for past twenty years	advice given

MUNICIPAL WATER

- 485 -

NO.	RESULT
4940 water leakage due to incorrect installation of services	referred
4941 failure to rectify town water supply which flooded basement	referred
4942 pipes freezing during cold weather	referred
4943 sewer and water charge too high for pensioners to cope with	inquiry made/referred
4944 town council did not want to extend water to residents outside official plan area	referred
4945 refusal to extend water service	referred
4946 high cost of water hook-up for six month period only	inquiry made/referred
4947 excessive fee for installation of meter	explanation given

MUNICIPAL WELFARE

OUTSIDE JURISDICTION

4948 unable to have move paid	inquiry made/referred
4949 benefits inadequate to cover cost of surgery on knee	referred
4950 lack of income available to his wife due to his incarceration	inquiry made/referred
4951 benefits inadequate	inquiry made/referred
4952 request for financial assistance	independently resolved in favour complainant
4953 request for financial assistance to pay for artificial limb	inquiry made/referred
4954 would like to see Committee more responsible respecting its decision	referred
4955 difficulties in applying for assistance	independently resolved in favour complainant

MUNICIPAL WELFARE

- 486 -

NO.	RESULT
4956 welfare allowance insufficient	referred
4957 should receive a general welfare benefit for medication	advice given
4958 unfairly demoted	referred
4959 had gone back to school and was broke	inquiry made
4960 complaint against welfare system due to disqualification	inquiry made
4961 unable to obtain welfare benefits	inquiry made
4962 not receiving adequate support for family	referred
4963 assistance in paying for glasses	referred
4964 law suit re money owed by complainant	advice given
4965 refused application for general assistance	referred
4966 mortgage and utility payments not deducted from debtor's welfare cheque	referred

COMMITTEES OF ADJUSTMENT

OUTSIDE JURISDICTION

4967 failure to receive notice of severance	inquiry made/referred
4968 request for help in appealing decision	referred
4969 refusal of another hearing by secretary	advice given
4970 refused permission to sever land	explanation given
4971 former owner denied severance - new owner allowed	referred
4972 delay in obtaining severance caused cancellation of D.V.A. loan	referred

COMMITTEES OF ADJUSTMENT

- 487 -

NO.	RESULT
4973 delay in consent to sever -dispute over property title	referred
4974 refused building permit	referred
4975 application for land severance refused	referred
4976 rejection of application for land severance	referred
4977 refused permission to sever land	referred
4978 application for consent to sever denied	referred
4979 request for resolution of severance dispute	referred
4980 compliance with health unit regulations should have no bearing on conveyance of land	referred
4981 denial of permission to sever land	referred
4982 unsuccessful in obtaining approval for severance	referred
4983 Land Division Committee refused application for consent to sever	referred
4984 assistance in obtaining land severance	referred
4985 information request about appeals - municipality has denied land severance	advice given
4986 denied several applications for severance of land	referred
4987 denial of applications for land severance	referred
4988 denied request to sever land	referred
4989 ignored application for severance	inquiry made/referred
4990 denial to sever land	referred

COMMITTEES OF ADJUSTMENT

- 488 -

NO.	RESULT
4991 denial of permission to build	referred
4992 refused permission to sever land	referred
4993 information request re land severance	advice given
4994 land severance application rejected	referred
4995 land severance application rejected	referred
4996 land severance denied	referred
4997 fee for minor variance	inquiry made
4998 denied consent to sever a parcel of land	referred

NO.

RESULT

OUTSIDE JURISDICTION

4999	father held in Yugoslavia for political reasons	referred
5000	Mexican hospital had not sent itemized bill to OHIP as requested, payments cannot be made until they do	referred
5001	objected to illegal arrest with psychological terror inflicted and interrogation by CIA agents	inquiry made/referred
5002	compensation for injury suffered while working in Australia	referred
5003	compensation benefits for war experiences in Germany	referred
5004	dissatisfied that pension plan was transferred to U.S.A.	inquiry made/referred
5005	problems retrieving birth certificate from Michigan State University records office	referred
5006	wanted U.S. veteran's pension increase	referred
5007	disability benefits - adequacy of insurance and administration - U.S. veteran's	inquiry made/referred
5008	unsuccessful in obtaining application forms for U.S. social security	assisted resolution in favour complainant

NO.	RESULT
<u>OUTSIDE JURISDICTION</u>	
5009	transfer assistance requested from Hull Prison to an Ottawa jail referred
5010	courts and police dealt unfairly with case in Dorval, Quebec referred
5011	costly repairs due to faulty engine - purchased auto in B.C. referred
5012	delay in property purchased in New Brunswick referred
5013	difficulty in obtaining UIC and welfare benefits in B.C. referred
5014	local doctors unsatisfactory in Manitoba town referred
5015	unable to enforce maintenance payments in Alberta referred
5016	Quebec Pension Board denied benefits because contributory period too short referred
5017	British Columbia Workmen's Compensation Board suspended benefits explanation given
5018	difficulties in hearing, wished to reopen claim with Manitoba WCB referred
5019	requested legal advice about Manitoba Autopac referred
5020	assistance requested in locating correct authority to deal with pension problem from Quebec inquiry made/referred
5021	legislation regarding divorce and child support in B.C. referred
5022	treated unfairly by Quebec prison system referred
5023	no answer from authorities in B.C. with respect to charges referred

OTHER PROVINCES

- 491 -

NO.	RESULT
5024 disposition of trust funds in New Brunswick	referred
5025 claim with Manitoba Autopac not yet settled	independently resolved in favour complainant
5026 Quebec plan refused to pay hospital costs in Ontario	referred
5027 recurrence of compensable accident not covered in Ontario - related to Nova Scotia WCB	inquiry made/referred
5028 inadequate expropriation money and difficulty in language communication in Quebec	inquiry made/referred
5029 must repeat courses in order to apply for registered nursing status in B.C.	referred
5030 inquiry regarding rejection of injury claim by Manitoba WCB	referred
5031 New Brunswick Department of Social Services	abandoned
5032 Quebec Civil Code regarding reclamation of stolen automobile	referred
5033 unjust child custody decision in Alberta	referred

NO ORGANIZATION SPECIFIED

- 492 -

NO.

RESULT

OUTSIDE JURISDICTION

5034	information request - funding for day care centre	inquiry made/referred
5035	information request - general protest about labour relations in Toronto, Ontario and Canada	advice given
5036	concern that with husband at school she will not be able to make payments on outstanding loans	inquiry made/referred
5037	licences granted oil and gas companies will doom the country	no solution identified
5038	unintelligible complaint	listened
5039	unintelligible complaint	listened
5040	unintelligible complaint	listened
5041	information request - legal obligations of land developer and citizen	referred
5042	assistance requested in forwarding mail to friends	explanation given
5043	recommendation that the use of electric toilets be mandatory	inquiry made/referred
5044	request for assistance in recovering goods left in Toronto by Peruvian deportee	no solution identified
5045	request for Ombudsman assistance in filing appeal	referred
5046	had not received compensation for back injury	advice given
5047	general government concerns	referred
5048	concern over federal politicians, American exploiters and the name "Thunder Bay"	listened
5049	freeze on hiring from outside Civil Service	referred

NO ORGANIZATION SPECIFIED

- 493 -

NO.	RESULT
5050 information request - pensions for epileptics	referred
5051 wanted financial assistance in order to leave home and continue schooling	referred
5052 information request - how to pay monthly bills	referred
5053 children are trying to force the selling of a farm from an estate	referred
5054 unintelligible complaint	listened
5055 lack of support payments for single women between the ages of 60 and 65	advice given
5056 royal commission sought to inquire into the establishment of a new province within the boundaries of northern Ontario	referred
5057 general complaint re government over-spending	listened
5058 non-specific complaints	abandoned
5059 various levels of government fail to promote energy saving devices	referred
5060 non-specific problems with various law enforcement agencies	abandoned
5061 objections to word "Roman" preceding word "Catholic" in official government documents	referred
5062 complaint unintelligible	listened
5063 unspecified complaint	referred
5064 no specific complaint	abandoned
5065 information request re correct deeding of property	referred
5066 unintelligible complaint	listened

NO ORGANIZATION SPECIFIED

- 494 -

NO.	RESULT
5067 information request re legality of will forms	referred
5068 where is justice	listened

JURISDICTION NOT DETERMINED

5069 had a medical problem	independently resolved in favour complainant
5070 no compliant specified	abandoned
5071 concerned over an injustice in 1975	abandoned
5072 information requesting organizations which assist persons with certain ailments who want to work	referred
5073 information request - squatters' rights	explanation given
5074 information request for financial assistance	referred
5075 information request for financial assistance	referred
5076 information request for financial assistance	referred

CHAPTER FIVE

DETAILED CASE SUMMARIES

MINISTRY OF

AGRICULTURE AND FOOD

(1) SUMMARY OF COMPLAINT

In July, 1974, the complainant, a very large commercial bee-keeper, was informed by the local inspector that his bees had a disease known as American Foul Brood. This is classified as a virulent disease and the Provincial Apiarist has the power under The Bees Act to destroy all infected bees and equipment by fire. Half the complainant's colonies and equipment were destroyed by order of the Provincial Apiarist before the procedure was halted due to the financial hardship caused to the complainant.

The Provincial Apiarist then agreed to salvage the rest of the complainant's equipment by an experimental process known as fumigation. The complainant's contention to our Office was that the Provincial Apiarist had burned part of his equipment unnecessarily.

A member of our staff met with the Provincial Apiarist on several occasions as well as with the complainant. Our Assistant Director of Legal Research investigated the powers of the Provincial Apiarist under The Bees Act and determined that where an inspector is of the opinion that a disease of a virulent type exists in any bee, or on any hives or equipment, the Provincial Apiarist may, by order in writing, require the bee-keeper to destroy any such bees, hives or equipment by fire. We therefore concluded that the Provincial Apiarist had the authority to order the destruction of the complainant's bees and equipment.

However, Ministry officials had been quite successful in salvaging the rest of the complainant's equipment through the fumigation process. The complainant's equipment was shipped to Montreal where it was fumigated, and then returned. In our view, the Ministry had invested considerable time, effort, and money in this program. However, the complainant was unable to benefit from it as he did not have sufficient funds to acquire new bees.

Accordingly, members of our staff met with the Deputy Minister and several other officials of the Ministry and

proposed that the Ministry give the complainant an interest-free loan of about \$10,000 to acquire new colonies of bees. The Deputy Minister was sympathetic to the problem and said that there was a procedure whereby the Ministry could supply a loan if the recipient was found to be a good financial risk.

Inquiries were made into the complainant's financial situation and it was determined that he had numerous outstanding debts totalling about \$80,000. On the basis of this information, the Deputy Minister felt, and we concurred, that a loan to the complainant could not be justified.

A further meeting was held with Ministry officials and we concluded that the Ministry had made a sincere effort to accommodate the complainant, but because of his financial record a loan could not be justified.

MINISTRY OF THE

ATTORNEY GENERAL

(2)

SUMMARY OF COMPLAINT

On October 1, 1976, the complainant visited our Office with a complaint which appeared, at first, to be against the Sheriff's Office. The complainant was of Ukrainian descent and was experiencing difficulties communicating in English; however, our researcher was able to communicate with him in Ukrainian. His complaint concerned an execution in the amount of \$730.00 which, according to the Sheriff's Office, was still outstanding.

The complainant was in the process of selling some property when he discovered that the transaction could not be closed because of an outstanding execution against him. He could not understand this as he was convinced that he had paid all the monies owing on a total of 4 executions which had been issued against him over the past several years. As a result, he contacted the Sheriff's Office and was given copies of all the writs of execution and the receipts for his payments. However, according to the Sheriff's Office, one execution in the amount of \$730.00 had not yet been paid.

Our researcher, together with one of our legal officers, examined copies of the writs of execution and the receipts, but it was impossible to tell from them exactly how the complainant's payments were allocated.

Our researcher accompanied the complainant to the Sheriff's Office the same day in an attempt to clarify the matter for the complainant. On arrival at the Sheriff's Office, our researcher was shown the original writs of execution and calculations indicating how much money the complainant had paid including interest payments and incidental fees. After examining all the writs of execution and receipts, there was still no indication that the complainant had paid the outstanding \$730.00. At this point, our researcher contacted the lawyer to whom the money was owing. He in turn checked his files and informed her that the amount in question had actually been paid in full by the complainant some time ago. However, the lawyer had not cleared the writ of execution with the Sheriff's Office because the complainant still owed him an extra \$20.00 in incidental fees.

The lawyer indicated that the \$20.00 had now been deleted and told our researcher to advise the complainant that a letter to the Sheriff clearing the outstanding execution would be ready to be picked up at his Office by three o'clock the same day.

On October 5, 1976, our researcher contacted the complainant in order to determine whether he had experienced any further difficulties. The complainant assured her that the matter had been completely resolved to his satisfaction.

(3) SUMMARY OF COMPLAINT

This complaint originated by receipt of a letter from the complainant's lawyer. The complainant contended that she was the sole beneficiary of her late sister's estate but that she had not received an interim distribution of the estate although probate had been obtained approximately a year earlier. As a result, her lawyer felt that there had been an undue delay on the part of the Public Trustee.

After notifying the Public Trustee of our intention to investigate this matter, our Investigator spoke to the Public Trustee and other officials and obtained the relevant documents.

The Public Trustee administers estates of persons who die in the Province of Ontario without any adult next of kin. Upon liquidation of all estate assets, distribution of the net proceeds is made to those persons who are beneficially entitled and able to prove their claim.

After a review of the relevant material, we found that the complainant was sent a copy of the Public Trustee's Proof of Heirship Instructions and was asked to satisfy the requirements in order that heirship could be established. However, when the Heirship Affidavit was returned to the Public Trustee's office some months later, it disclosed the existence of two nieces.

As a result of this information, it was impossible for the Public Trustee to make distribution of the estate in full to the complainant until it was determined whether the nieces were still alive and, if not, whether they had left heirs.

However, the Public Trustee approved the distribution of one half of the estate to the complainant and advised our office that the two nieces had been located. We therefore concluded that there had been no undue delay on the part of the Public Trustee in the distribution of the estate, but that the delay was due to confusion in satisfying the requirements for establishing heirship.

(4) SUMMARY OF COMPLAINT

The clerk of a municipality was instructed by the Municipal Council to write to our Office concerning the municipality's problems regarding the purchase of some land.

The municipality was attempting to purchase a parcel of land in an adjacent township in order to facilitate the construction of a new sewage treatment system which had been recommended in a report prepared by a consulting engineering firm.

Before the council made its final decision to purchase the property, it met with representatives from the Ministry of the Environment, the Ontario Municipal Board, and the Ministry of Culture and Recreation to receive their advice. Since the expenditure would require debenturing, approval was also necessary under The Municipal Act from the Ontario Municipal Board.

Members of the council as well as the clerk met with the Ontario Municipal Board to ascertain how best the municipality could go about these proceedings. It was determined that a section of The Municipal Act applied and that therefore the council should proceed pursuant to that section.

Having received this advice, the municipality passed a by-law and advertised for objections. Objections were received and an Ontario Municipal Board hearing was required.

At the hearing, the objectors were successful in a preliminary motion to defeat the application as made by the municipality, despite the advice received by the municipality from the Ontario Municipal Board.

One of our legal staff contacted the Ontario Municipal Board and it became readily apparent that the municipality had a right to request a reconsideration by the Board under Section 42 of The Ontario Municipal Board Act.

Because this procedure existed, we determined that the municipality's complaint to our Office was premature in light of Section 15(4)(a) of The Ombudsman Act, 1975, which precludes the Ombudsman from investigating any complaint where an objection or appeal procedure on the merits of the case has still to be exercised.

We therefore informed the municipal council of the procedure open to it.

(5) SUMMARY OF COMPLAINT

This complainant brought to us a copy of a petition that he had some years earlier sent to the Premier. The petition related to the expropriation of property by the Government in 1965. The complainant contended that the amount of compensation awarded by the Ontario Municipal Board in 1969 for the expropriated lands was insufficient and he requested either the return of the lands or additional compensation. As the complainant had also contacted his M.P.P., he was also kept informed throughout our investigation.

The complainant's property had consisted of 730 acres with frontage on several lakes. It had been acquired in stages beginning in 1943, and in the early 1960's the complainant began taking certain steps to prepare for the future development of the lands. In 1965, 605 acres were expropriated for a proposed park.

The hearing before the Ontario Municipal Board to determine the amount of compensation to be paid to the complainant was held in 1969, with both the claimant and the Ministry represented by counsel. The Board ordered that the amount of compensation was:

"...to include compensation for every claim of any nature whatsoever arising out of the expropriation of the said lands, shall be the sum of \$27,500 together with interest thereon at the rate of 6% per annum..."

The complainant stated in the petition which formed his complaint that:

"At the Ontario Municipal Board hearing the finding was apparently to the effect that the suppliant still retained plenty of land and that there was accordingly no injurious affection resulting in this regard. Evidence was advanced by the suppliant through two expert witnesses to the effect that the remaining lands held by the suppliant including the home had a market value of \$33,500 to \$45,000. In view of the fact that the suppliant spent \$61,500 on the home alone, it seems clear that he has sustained a substantial loss. Even if it were concluded that there was an over-improvement prior to the taking, the over-improvement was surely enhanced upon the taking of 605 acres including the substantial lake frontage on the two desirable lakes."

The complainant further indicated that, at the hearing before the Board, two appraisals of the property were introduced on his behalf, estimating the loss of market value to him at between \$80,500 and \$121,000, while "the Department of Public Works presented but one appraisal based on a vacant land value of \$20,000...". The complainant told us that although he had considered an appeal of the decision and that a Notice of Appeal had been served on the Ministry, the appeal was abandoned because of the expense.

In December, 1969, the complainant filed a petition to Cabinet appealing the decision of the Ontario Municipal Board. By a letter dated December 17, 1969, the complainant was advised by a lawyer in the Ministry of the Attorney General that as more than 28 days had elapsed since the O.M.B. had delivered its Order, the Cabinet had no jurisdiction to consider the petition under section 94 of The Ontario Municipal Board Act. The letter indicated as well that even if he had been within time, section 10(4) of The Expropriation Procedures Act appeared to rule out an

appeal under section 94.

From December, 1969 to December, 1974, the complainant attempted to correct the injustice he believed had been done to him through various officials at both the provincial and federal levels of government. In December, 1974, a new petition was sent to the Lieutenant Governor. The complainant received in reply a copy of the December 17, 1969 letter, as well as another letter indicating that the government's position had not changed.

During our investigation, we learned that no transcript of the proceedings before the Ontario Municipal Board was available. This made the further investigation of the complaint extremely difficult in view of the fact that the substance of the complaint concerned the nature of the Board's decision and the effect given to the evidence of both parties regarding the Appraisal Reports.

However, in order to assist us with our investigation, we retained the services of an independent expert to assess the appraisals performed on the complainant's property.

The expert was not asked to re-appraise the property or to view it at all, but only to examine the factors which had the appraisers influenced and to determine whether the factors differed among appraisal reports. In so doing, we recognized the limitations which would be inherent in any report the appraiser could make. The O.M.B. had had the opportunity to hear the oral evidence of the appraisers whereas the expert retained by us had only the reports themselves to study. However, in view of the passage of time and the absence of a transcript, few other alternatives were available to us.

The expert's report said that the loss of value of \$20,000 as estimated by the government's appraiser was based on an unrealistic view of the highest and best use of the complainant's land and that the appraiser had failed to comprehend the complainant's land assembly scheme and the loss suffered through the expropriation of the complainant's residual holdings. The expert's report favoured the values

given by the two other appraisers: \$105,050 and \$120,000. It was the expert's opinion that the complainant could not have replaced his holdings for the amount of compensation awarded by the O.M.B.

We sent a copy of the expert's report to the O.M.B. for its comments and received a reply referring to the limitations inherent in the expert's report, particularly as it had not been tested with oral testimony.

A member of our legal staff then met with the Chairman of the O.M.B. to discuss the possibility of the complainant applying for reconsideration of the Board's decision, pursuant to section 42 of The Ontario Municipal Board Act. Prior to the meeting the Chairman had referred us to the case of Re Martin and County of Brant, a Court of Appeal decision.

The headnote of that case reads as follows:

"Where a person whose land has been expropriated pursuant to The Highway Improvement Act, R.S.O. 1960, c. 171, fails to appeal the determination of compensation by the Municipal Board as provided for in s. 11 of the Act within the time limited by s. 11, it is not open to the Board to rehear the issue of compensation under s. 42 of The Ontario Municipal Board Act, R.S.O. 1960, c. 274. Section 11(2) of The Highway Improvement Act provides that in compensation proceedings before the Board the provisions of The Ontario Municipal Board Act, other than s. 95, apply 'so far as is practicable to every such claim'. However, as a very broad basis of appeal is provided under The Highway Improvement Act, it is not practicable to reserve to the Board its original right to review its own decision."

We were of the opinion that this case would also apply to an expropriation pursuant to The Expropriation Procedures Act, as was the complainant's. This Act provides for an appeal on broad grounds as does The Highway Improvement Act, and we were accordingly of the view that it would be beyond the Board's authority to purport to reconsider the complainant's case.

After further consideration and consultation with the

Chairman about possible ways to resolve this dilemma, we made an informal recommendation to the Board. We made an informal recommendation because our investigation was necessarily incomplete, so that we were not in a position to form an opinion under section 22 of The Ombudsman Act, 1975, and because we felt that the complainant should be entitled to have his case reconsidered.

We, therefore, informally recommended that section 42 of The Ontario Municipal Board Act be amended so that it would apply notwithstanding anything contained in The Expropriation Procedures Act. This recommendation was discussed in advance with the Chairman of the Ontario Municipal Board who could not indicate whether such an amendment would give rise to a flood of applications. In view of the fact that The Expropriations Act applies only to expropriations effected since December 20, 1968, we felt that such an amendment would be unlikely to produce a great many applications

The Chairman of the O.M.B. replied on March 11, 1977, indicating that he neither supported nor objected to the recommendation.

We then wrote to the Attorney General on March 23, 1977, enclosing our report as well as the reply from the Chairman of the O.M.B. By a letter dated May 12, 1977, the Attorney General indicated that, in his view, section 42 should not be amended as we had proposed. He pointed out that the complainant had been represented by counsel, and further that:

"...he chose not to appeal the decision to the courts and failed to appeal to Cabinet within the required time period."

In fact, the complainant was financially unable to proceed to the Court of Appeal and no right of appeal to Cabinet existed. However, the Attorney General was not convinced that an amendment to section 42 would solve the matter to the satisfaction of the complainant, since the Board could refuse to rehear or could decide, if it did rehear the case, that the original hearing was fair and reasonable. He also indicated that the proposed amendment could open the

door to other applications and would set an undesirable precedent regarding the time that could elapse between an original hearing and an application for a rehearing.

(6)

SUMMARY OF COMPLAINT

The complainant, a Provincial Court Judge, sought an extension of his pension benefits to cover a period of some 9 years in the 1940's and 1950's during which time, although not appointed a full-time magistrate, he stated that he had carried the workload of a full-time magistrate.

Our investigation indicated that the judge had been appointed from January, 1944 as a temporary magistrate, with subsequent reappointments at different salaries. He was appointed as a full-time magistrate on August 1st, 1953, and at that time his contributory service for pension purposes commenced. Under The Public Service Superannuation Act, R.S.O. 1970, as amended, section 25 provides that:

"This Act applies to every full-time provincial judge."

We corresponded with the Ministry of the Attorney General seeking an extension of the complainant's pension benefits in view of his claim, which appeared to be substantiated, that he had carried the workload of a full-time magistrate during the period in question, and in view of his modest income from a part-time law practice.

However, we were advised by the Deputy Attorney General that his Ministry could not provide a statement that the complainant had worked as a full-time magistrate during the period in question when this was not the case. Such a statement was required by the Ministry of Government Services in order to extend the time on which the complainant's pension could be calculated.

We subsequently approached the Ministry of Government Services with the request that it dispense with the requirement of a statement from the complainant's employer (i.e.

the Ministry of the Attorney General) and treat the complainant's case as a unique one. The Chairman of the Public Service Superannuation Board replied to our letter at the request of the Deputy Minister and stated that the complainant's case was not unique and no exception could be made.

The complainant was advised that in view of the position taken by the relevant Ministries, we did not intend to make a formal recommendation under The Ombudsman Act.

MINISTRY OF

COLLEGES AND UNIVERSITIES

(7)

SUMMARY OF COMPLAINT

The complainant represented an organization of Canadian students, the majority being residents of Ontario, who were studying podiatric medicine in the United States.

As an official of the Canadian Association of Podiatry Students, the complainant contended that the Ministry of Colleges and Universities' financial assistance policy was unfair, because while other Ontario students studying in Canada were eligible for provincial loans and grants, podiatry students were not, since they were attending American institutions. The reason for this was that there are no similar facilities for the study of podiatric medicine in Canada.

The complainant requested that the Ombudsman help podiatric medical students from Ontario to obtain deferred payment loans from the Ontario Government for the purpose of financing their education.

Our Investigators interviewed officials of the Ministry of Colleges and Universities, including the Health Services Co-Ordinator of the Deputy Minister's Office and the Student Assistance Planner of the Policy and Planning Co-Ordinator Office.

These officials provided a detailed resumé concerning podiatry in order to increase our general understanding of this field of medicine. They outlined the rationale behind the Ministry's provincial student assistance program, which is primarily geared to equalize educational opportunities in Ontario. In addition, they explained that the distinction between chiropody and podiatry was being debated within the medical profession in Ontario, and the training required in order to qualify for practise here was being revised. It became apparent that until the Ministry of Health's view of podiatry/chiropody was firmly established, the Ministry of Colleges and Universities would be unable to revise or finalize its student assistance policy.

As a result of this information, our Investigator arranged to meet with senior officials of the Ministry of Health. These representatives explained that in 1974, the

COCO Committee had been formed in order to study the standards and scopes of practice of Chiropractic, Oseopathy, Chiropody and Optometry. The function of this Committee was to make recommendations to the Management Committee of the Ministry of Health pertaining to the cost-benefits of provincial training facilities for these professions and to the levels of training that would be appropriate.

Since the Ministry of Colleges and Universities' policy pertaining to student financial assistance was dependent upon the Ministry of Health's policy, which was undergoing revision, and since it was at the same time compatible with the legislation in effect whereby students studying outside of Canada were not considered eligible for provincial grants and loans, it was our conclusion that the policy and procedures of the Ministry of Colleges and Universities in this matter were fair and reasonable.

(8) SUMMARY OF COMPLAINT

A University student complained about reassessment of his student loan application for the academic year 1974-75.

While attending Simon Fraser University, the complainant applied for and received a student award for the academic year 1974-75 apportioned as \$1030 grant and \$800 loan. In April, 1975, he applied for a review of his application in the hope of receiving additional financial assistance. He was subsequently informed by the Ministry that the review date of March 30, 1975 had passed and also that his original application had been reassessed.

As a result of this reassessment the Ministry reduced his original award by \$400. This amount represented the estimated cost of operating a car which the complainant acquired following the completion of his application. The complainant was of the view that use of his car was justified and that the Ministry's reassessment was unfair.

Our Investigator discussed the complainant's case with the Director of Student Awards to determine the Ministry's policy with respect to students who operate an automobile while receiving assistance. It was determined that the Ministry's standard policy is to reduce the student's grant portion to \$200 per term unless it can be demonstrated that there is no public transportation from the student's residence to the institution. The Ministry also pointed out that in most cases students are expected to live close to the institution they are attending and an allowance is made in this regard when assessing a student's costs.

We informed the Ministry that the complainant had lived for one term in a cottage in the State of Washington while attending school at Simon Fraser University.

While it was only fifteen miles from the complainant's cottage to the University, no public transportation was available. Following the receipt of this information the Ministry official contacted Simon Fraser University, which indicated that accommodation was difficult to obtain in its area during the 1974-75 academic year.

In a letter dated December 8, 1976, we were advised by the Ministry that as a result of the new information provided by our Office it had decided to dismiss the \$200 resource for the complainant's first term, thereby reducing his reassessment from \$400 to \$200. However, with respect to the second term during which the complainant lived closer to the University in an area served by public transportation, the Ministry stated that it could not justify the use of the complainant's car. The Ministry was, therefore, of the view that the \$200 resource for that term must be included in his reassessment.

(9)

SUMMARY OF COMPLAINT

This complaint was submitted by a lawyer on behalf of 16 nurses who were members of The School of Nursing at a Community

College. The nurses were formerly part of the faculty of a School of Nursing. As members of the School from 1968 to 1973, they belonged to The Hospitals of Ontario Disability Income Programme (HOODIP), which is a sick leave plan. This plan provides for benefits of up to a period of 75 days accumulated at the rate of one day of sick pay per month of service.

In January, 1973, the Minister of Colleges and Universities and the Minister of Health issued a joint statement to the Directors of the Schools of Nursing, indicating that the responsibility for nursing education would be transferred from individual hospitals to community colleges, which would then come under the jurisdiction of the Ministry of Colleges and Universities. The directive stated:

"....., in addition, we wish to assure the administration, faculty and support personnel of the present Schools of Nursing that they should not be disadvantaged by the move."

The complainants' school was to become the local campus of the School of Nursing at the Community College. The contention put forth by the lawyer on behalf of the complainants was that they had in fact been disadvantaged by the change, in that they had not been able to transfer their accumulated sick day credits. After years of accumulating these credits, the nurses were left with no extra protection.

Our Investigator met with an official of the Ministry of Colleges and Universities, Head of Personnel at the College, and two representatives of the nurses. The Ministry official emphasized that it was impossible for all the different schools of nursing involved in the transfer to be able to transfer all credits which were associated with the different sick leave plans. On July 10, 1973, the Director of the Applied Arts & Technology Branch of the Ministry issued a statement regarding the dispensation of sick leave credits, which stated:

"Non-vesting accumulated sick leave credits:
The individual will be able to transfer these credits to the College for sickness protection only. These credits will not be recognized

for severance payment purposes by the College.
Hospitals of Ontario Disability Income Programme:
The Hospitals of Ontario Disability Income Programme is a service oriented plan, but the accumulated sick pay credits are not transferable between the participating member hospital. These credits will not, therefore, be transferable to Colleges of Applied Arts & Technology."

Therefore, it was only those nurses covered under HOODIP who were unable to transfer their accumulated credit.

The position taken by officials in the Ministry and at Mohawk College was that although they would not be able to match some of the benefits which were associated with the various plans of the 56 different schools of nursing, they would be able to compensate the nurses for this loss of benefits in other areas. Thus, by looking at the entire package, the Ministry felt that none of the nurses would be disadvantaged by the change.

They also pointed out that HOODIP was not a plan that had ever had a cash payment associated with it and therefore it would not have been possible to negotiate a cash settlement for the nurses upon severance. Although the Ministry was unwilling to transfer the accumulated sick day credits, the Ministry did make an offer to "look after" the nurses in their first year and allow them to draw against their unearned College sick leave credits to a maximum of 20 days should the need arise. We also determined from officials of Mohawk College that the nurses received a substantial salary increase upon transferring. However, it should be noted that this increase in salary was not limited only to the nurses from the hospital at which the complainants had formerly been employed.

The nurses stated that in June, 1973, representatives of the Personnel Department of the College visited the schools to discuss the proposed transfer. When these officials were questioned by the nurses about sick benefits and pension arrangements, they were assured that these would be transferred to the College Plan. These officials also stated that although details had not been worked out, no difficulties were foreseen. With this limited information, the nurses were asked to accept a position with the College; they therefore relied heavily on the statement from the Ministry that they

would not be disadvantaged by the move. It was only later that they realized they were losing all their sick day credits accumulated over years of service. Although they received an increase in salary, other nurses from different schools received both an increase in salary as well a transfer of sick day credits.

It was our opinion that nurses who were previously part of HOODIP were somewhat disadvantaged when the responsibility for nursing education was transferred to the Ministry of Colleges and Universities, in that they lost their accumulated sick day credits. The nurses had no choice in the transfer to the Ministry, and no definite details of the transfer were made available to them at the time they were asked to accept the new position. Accordingly, we recommended to the Deputy Minister that the Colleges should recognize the sick days accumulated under HOODIP at 100% and credit them to the nurses, but that these credits should not be recognized for severance payment purposes. We also recommended that resort be made to these credits first, if required, before those sick days earned under the new College Plan.

We were also of the opinion that this recommendation should have application to all those nurses who were previously part of HOODIP prior to the transfer to the Ministry of Colleges and Universities.

A response from the Deputy Minister stated:

"Although I cannot accept your judgment that the individuals represented in your report were 'disadvantaged' by their transfer to the Colleges of Applied Arts and Technology, I am prepared to instruct Mr. Lynch to proceed with the solution which he suggested."
(Mr. Lynch is the Manager of Staff-Student Relations for the Ministry.)

Mr. Lynch's proposed solution was to transfer the full pay sick leave credits accumulated under HOODIP by former Schools of Nursing Personnel covered by the January, 1973 terms of transfer, and that they be used to supplement their sickness protection should their accumulated College sick leave be exhausted. He agreed that these credits should not be recognized for severance/retirement gratuity by the College. It was our

opinion that Mr. Lynch's proposal incorporated the main body of our recommendation, the only difference being that he was of the view that HOODIP credits should be used only if the accumulated College sick leave credits were exhausted. However, this still gave the nurses added protection if in fact it was ever required. We therefore suggested to the Deputy Minister that he proceed with Mr. Lynch's proposal.

(10) SUMMARY OF COMPLAINT

This complainant contended that she had been judged unfairly regarding a student grant that she was obliged to repay.

In her first year of university, the complainant was given a loan of \$800 and a grant of \$950 under the Ontario Student Assistance Program. The loan portion is normally repaid in instalments beginning six months after completion of the post-secondary courses. A grant does not have to be repaid. The combined award is based on parental and student ability to fund the education - particularly parents' anticipated income.

The complainant's father was a seasonal labourer, whose income was anticipated at \$8,500. However, in the winter of the complainant's first year at university he was able to work and had an income of \$14,832.

The following spring, when the complainant requested financial assistance for her second year at university, a random check by the Student Awards Officer of her parents' income tax submission indicated a \$6,332 difference between her parents' anticipated and actual income. In August, before her second year of studies, a letter was sent to the complainant indicating that she would have to repay the grant portion of her award in addition to the loan portion.

The complainant was unaware of the random check procedure, which involved approximately 8% of the assisted students, but she knew of many situations where students did not report changes in the status of income and were not reassessed.

The Ministry pointed out that all students sign an agreement stating that

"all awards are made on the basis that there has been no change in financial circumstances... should any such changes (income from spouse, parents, gift, academic awards) occur during the academic year for which the award is made, I will notify my Financial Assistance official or the Ministry of Colleges and Universities."

A meeting was arranged between the Director of the Student Awards Branch of the Ministry and Investigators from our Office to discuss this student's case.

Appeals from reassessments are initiated at the local university level by the Student Awards Officers. If the explanation given at that level is unsatisfactory to the student, he or she can appeal to a Regional Hearing, conducted by Student Award Officers from that particular region. If the student is still dissatisfied, he or she can apply to the Ministry's Director of Student Awards, and following this a direct appeal to the Minister is possible.

An appeal from an over-assessment (i.e., when students are awarded monies in excess) can be launched within 30 days of receipt of the request for repayment.

In this case, the notice of over-assessment was sent to her parents' home and they failed to send it to her within the 30 day period.

Upon receipt of the notice, the complainant began to repay the loan and grant. Our Investigators were informed that, although the 30-day period had expired, she could still appeal the over-assessment.

We informed the complainant of her right of appeal and she indicated that she was satisfied that she had been given a reasonable explanation concerning the request for repayment.

We concluded that the Ministry had acted in a fair and reasonable manner.

(11)

SUMMARY OF COMPLAINT

During the 1972-73 academic year, the complainant was a student at an Ontario university during which time he applied for a combination student loan and grant under the Ministry's Ontario Student Awards Program.

Subsequent to his receipt of a loan in the amount of \$300, which he considered to be inadequate, the complainant approached university officials in order to request an appeal.

The complainant contended that in view of his financial situation, he had not been provided with adequate assistance and that he was unfairly denied a right to appeal. The complainant further alleged that his application for appeal was rejected on the basis of incorrect information related to the date of his registration at the university in 1972.

An examination of the Ministry's files concerning the complainant revealed that he applied for assistance for the 1972-73 academic year, however his application was rejected initially in October, 1972, because the complainant's name appeared on a list of students - prepared by the Department of Finance in Ottawa - who had defaulted in making payments on previous loans from the government.

In November, 1972, federal officials said they would give the complainant another chance to repay his previous loans and to negotiate a further one. In December, 1972, a loan of \$800 was granted to the complainant and he was also granted \$460 to be payable early in 1973. However, before the end of December, the complainant asserted that a Student Award in the sum of \$1,260 was inadequate.

After the complainant alleged that he did not have enough money to meet his expenses until he received his grant in January, he was given an emergency loan of \$100 from the University. This loan was to be repaid to the University when the complainant received the grant portion of his award early in 1973.

The complainant alleged he had only been granted \$300 for the 1972-73 academic year, however, in actuality he was granted \$1,260, which, when combined with the student contribution (\$800) equalled the total allowable amount awarded by the government to students for that year. The complainant was able to contribute \$750 from his summer earnings to his school year expenses.

The complainant also alleged in his letters to our Office that he was denied an appeal of his award. However, there was no evidence on file with the university or the Ministry to suggest that an appeal was requested or denied the complainant in the 1972-73 academic year.

It was our opinion after our investigation that during the years in which the complainant applied for student assistance, he abused the program and requested special consideration from the Ministry. In 1971-72, the complainant did not register at the university on time nor did he complete the application forms correctly, but the Ministry still allowed the complainant's form to be processed for the second part of 1971-72 term and granted him \$445.

The complainant had carried on correspondence with the Ministry for years regarding the alleged mistreatment he had received from university and Ministry officials in his application for student loans. However, after considering all the facts which were revealed by our investigation, we concluded that the actions of the Ministry of Colleges and Universities had not been unreasonable, unjust or oppressive.

(12)

SUMMARY OF COMPLAINT

The complainant had defaulted in the payment of his student loan and complained to our Office about the manner in which a financial collection agency was trying to collect his overdue loan of approximately \$2,600. The agency was very insistent that the complainant make a payment of \$200 of back interest and a lump sum payment immediately. If such a

payment was not made, the collection agency said it would take legal action against the complainant. The complainant was willing to pay his debt but could not make a lump sum payment in his present financial circumstances. He suggested making monthly payments, but this offer was rejected by the collection agency.

It was determined that this complaint was within our jurisdiction because it dealt with a loan which was negotiated under the Ontario Student Award Program of the Ontario Government.

Our Investigator spoke to a Guaranteed Loans Officer who advised that the complainant should contact the collection agency and demonstrate his good will by offering to make any kind of payment he could. She also stated that the complainant should have made a complete disclosure of his financial affairs to the agency. When our Investigator explained that the complainant was concerned because the collection agency had threatened legal action, the Loans Officer stated that the collection agency could not sue the complainant without the prior approval of her office. She pointed out that employees of collection agencies may sometimes be over-zealous in collecting overdue student loans.

A few days later, another official contacted our Investigator and said that the agency had been instructed to come to an agreement as to monthly payments.

Subsequently, the complainant set up an appointment with the collection agency and they agreed that the complainant would make monthly payments instead of a lump-sum payment.

As a result, the complainant's problem was resolved to his satisfaction.

(13) SUMMARY OF COMPLAINT

This complainant came to us because he was dismissed from his employment with a Community College. Originally, it was concluded that the complaint was beyond our jurisdiction; however, after further legal research was conducted, we came

to the conclusion that Community Colleges are within our jurisdiction and, therefore, the complainant's file was reopened.

The complainant stated that he had been hired by a Community College as a full-time employee on April 1, 1973. On March 26, 1975, he received notice from the College that his employment would be terminated on March 31, 1975. This date was the last day of his two-year probationary period.

The complainant contended that he had been unjustly dismissed from the College and he had applied for a hearing before the College's Board of Governors. His application for a hearing was rejected on the grounds that under the terms and conditions of his employment, there was no appeal procedure available to probationary personnel. The complainant contended that he should have been given the opportunity of participating in a hearing before the Board of Governors.

A member of our staff met with the Director of Community Services at the College and the Manager of Personnel. Our Investigator later interviewed the Executive Secretary to the Board of Governors. We found that the complainant had made two separate applications for a hearing. The first application was dismissed due to the fact that the Board felt it was a business and administrative matter and they concluded that there was no appeal procedure available to probationary staff members.

His second application for a hearing was referred by the Board to Senior Administrators for their advice and guidance. The Senior Administrators obtained legal advice and recommended that the complainant not be granted a hearing. This recommendation was based on the fact that under the terms and conditions of employment that were applicable to the complainant, he had agreed to a two-year probationary period. Therefore, it was concluded that since the complainant was still considered as a probationary employee at the time his employment was terminated, he was not entitled to a hearing before the Board of Governors.

The lawyer who advised the Senior Administrators pointed out that under the terms and conditions of employment, a staff member's employment could be terminated on three months' notice or three months' pay in lieu of notice. Therefore, as the

College had agreed to pay the complainant three months' wages, the lawyer concluded that the College had met its obligations to the complainant. The lawyer was, therefore, of the opinion that the complainant could not claim that the College had not given him sufficient notice. When the Board of Governors next met, they considered the lawyer's recommendations and decided again not to grant the complainant a hearing.

As a result of our investigation, we concluded that under the terms and conditions of his employment, the complainant did not have a right to a hearing. However, after considering the unusual circumstances of the case, we recommended to the Board of Governors that they should give the complainant a hearing. This recommendation was forwarded to the Board of Governors on February 7, 1977.

On February 25, 1977, we were informed by the Executive Secretary to the Board of Governors that the Board had considered our recommendation at a meeting on February 24 but had decided not to accede to our suggestion that the complainant should be given a hearing.



MINISTRY OF

COMMUNITY AND SOCIAL SERVICES

(14)

SUMMARY OF COMPLAINT

This complainant told us that following an overpayment of \$323 made to her by the Family Benefits Branch, the Ministry began to deduct \$10 monthly from her benefits allowance for repayment. The complainant, however, maintained that she had never cashed the cheque but had returned it by mail as soon as she discovered the overpayment. Ministry officials denied receiving this cheque.

In response to our inquiries with regard to this complaint, a search of the Ministry's files was conducted. The cheque was located in the appropriate file.

As a result of this discovery, Ministry officials agreed to terminate the monthly deductions immediately and to send the complainant a special cheque for the previous months' deductions.

She also complained against the Ontario Housing Division of the Ministry of Housing involving the denial by the Ministry of her eligibility for an Ontario Housing unit.

In response to this complaint, we contacted officials of the Ministry of Housing. We were advised that the complainant was considered ineligible due to the fact that she did not fulfill the program's one-year residency requirement. However, this requirement would be completed in the following two weeks at which time she would be considered eligible for an Ontario Housing unit.

The complainant was advised that she would be eligible within two weeks.

(15)

SUMMARY OF COMPLAINT

This complaint was brought to us by the parents of a patient in a provincial psychiatric facility. It concerned the medical and physical care of their epileptic and severely retarded daughter and her placement within the complex.

The complainants were of the opinion that over at least the past year, there had been a decline in their daughter's

physical health. They particularly noticed that her mobility had decreased. They also described difficulties in communicating with the staff at the facility, giving as an example an occasion when their daughter was transferred to another area without their knowledge, so that they had difficulty locating her when they visited. The complainants felt that they could not readily discuss their concerns because staff members who were familiar with their daughter were not present at the institution when they visited on weekends.

In the course of our investigation into this complaint, our Investigator visited the facility on two occasions and met with the staff members concerned with the care of this patient, as well as with the Senior Medical Officer. The institutional file was also studied. We visited the unit where her parents felt she should be placed. The patient's father also met with the staff to discuss the entire situation. Both our Investigator and the patient's father were given an overview of the major reorganization of the facility's units.

Eventually, the patient's transfer to the unit favoured by her parents was accomplished. The program designed for the complainants' daughter was completely reassessed. The complainants later expressed satisfaction with their daughter's situation and appearance and reported that they had established a good contact with a social worker at the institution.

Our investigation revealed no evidence that the patient's needs had been neglected. There was no obvious reason why a decline in her general well-being had occurred and no such deterioration appeared to have been detected by the staff who care for her on a daily basis. However, it was noted that with the patient's movements between the units over the year, few staff had dealt with her on an individual, continuous basis. The complainants visited their daughter almost every month. The staff indicated that they had difficulty dealing with the parents. On the other hand, the parents felt cut adrift from the plans being made for their daughter and had dealt with so many staff that they no longer knew to whom they could turn to air their concerns.

Following our evaluation of the circumstances of this patient, we concluded that both she and her parents had been detrimentally affected by the organizational changes made at the institution. In formulating our recommendation in this matter, we considered the result of our own investigation in conjunction with a report made on the institution which was presented to the Ontario Legislature. We found that this complaint was illustrative of the statement relating to the unit realignment at the institution made by the author of the report. Having regard to the circumstances of the complainants' daughter, we concurred with the findings and recommendations made by the author in respect to the need to strengthen the parent and community liaison function of the facility in question.

We recommended to the Deputy Minister that several of the recommendations made by the author should be implemented as soon as possible. In addition, we recommended that in implementing these recommendations, particular attention should be paid to establishing a staffing pattern such that professional staff would be available on weekends to discuss with parents their concerns relating to the care and treatment of their children.

The Ministry advised us that approval in principle had been given to the establishment of a community liaison position at the institution. The facility had also been requested to develop appropriate plans to improve parent liaison, including the establishment of a Parent Liaison Committee. The institution had also been asked to review its practices and staffing patterns to ensure increased staff supervision and the availability of senior staff on weekends for parent consultation.

The Assistant Deputy Minister, Development Resources, assured us of the Ministry's intention to implement these recommendations as quickly as possible.

(16) SUMMARY OF COMPLAINT

This complainant was interviewed at our private hearings in a northern Ontario town. He had been receiving a Family Benefits allowance for seven years, but in 1975 the complainant informed the Ministry that he no longer wished to continue receiving the allowance. Shortly thereafter, he received notification from the Family Benefits Branch that due to his increased income from the War Veterans Allowance, the Canada Pension Plan and the fact that one of his children had become self-supporting, he had been receiving a higher allowance than he should have been receiving.

The Ministry informed the complainant that he had received \$835.73 more than he was entitled to, and he would have to repay this amount. The complainant asked our Office to determine if this payment could be decreased in any way.

A letter indicating our intention to investigate the situation was sent to the Ministry, and we later received a response from the Director of Provincial Benefits. He indicated that after a detailed review of the complainant's situation, he had reduced the overpayment from \$835.73 to \$729.76. Enclosed with his reply was a covering letter he had sent to the complainant explaining this reduction. A member of our staff then contacted the complainant who said he was pleased with the reduction. He also told our Investigator that he considered the matter satisfactorily resolved.

(17) SUMMARY OF COMPLAINT

This complainant's Family Benefits Allowance had been suspended because the mortgage she had held in the amount of \$3,000 was discharged, resulting in her total assets exceeding the allowable maximum of \$1,500. The complainant had converted the funds into a Guaranteed Investment Certificate on the advice of her field worker, with the understanding

that this would not affect her eligibility for Family Benefits. The complainant appealed the suspension of benefits to the Social Assistance Review Board, but the original decision of the Director of the Provincial Benefits Branch was upheld. Shortly thereafter, the complainant was informed that she had been overpaid during the time which she had been receiving her allowance and would have to repay the Ministry \$700. The complainant sought our help in reducing the overpayment, and in having her allowance re-established.

A letter indicating our intention to investigate the situation was sent to the Deputy Minister, and a response to this letter was received from the Director of the Provincial Benefits Branch. He indicated that as a result of further investigation and a review of the case, it had been possible to cancel the overpayment which had previously been demanded. However, the decision to suspend the complainant's allowance remained the same, as her assets were still in excess of those permitted.

We contacted the complainant and informed her of the cancellation of the overpayment demand. The complainant informed us that she was no longer concerned about not receiving Family Benefits as she would be 65 in two weeks and would be eligible for benefits under the GAINS Program.

(18)

SUMMARY OF COMPLAINT

This complainant, who had earlier referred his problem to his M.P.P., contacted us in May, 1976.

The complainant operated a home for emotionally disturbed children. In April, 1976, the children were removed suddenly from the home by the Ministry at the insistence of the Children's Aid Society. The Society had misgivings about the methods of punishment being used by the complainant and also about the adequacy of individual care in the home. When we received this complaint, the Ministry was still investigating the incident and no decision to remove the complainant's

licence had yet been made. In July, 1976, the Director of Child Welfare for the Ministry sent the complainant a Notice of Intention to refuse the renewal of his licence under the provisions of The Children's Boarding Home Act.

As the complainant had not as yet exercised his right of appeal in this matter, his complaint to us was premature. We advised him of his right to appeal and of our lack of jurisdiction to investigate his complaint until such time as his appeal was completed. In August, 1976, the complainant advised us that he had applied for a hearing before the Day Nurseries Review Board but had not yet received a commitment from the Board as to when the hearing would take place. He was worried that unless the hearing took place shortly he would no longer be in a position to financially support the operation of the home.

Upon investigation, we learned that the Chairman of the Day Nurseries Review Board had resigned and that until a new Chairman was appointed, a hearing could not take place. In view of the urgency of the complainant's situation we asked Ministry officials whether a meeting of the Board could be convened at once rather than waiting for the appointment of a new Chairman. The Ministry indicated that it would quite willingly do so, but there were then only two members of the Board in office and a quorum for the holding of a meeting was three members.

According to legislation it was impossible to convene a meeting of the Board until a new Chairman had been appointed. The Ministry advised us that as the result of our inquiry a recommendation would be made that the legislation with respect to this problem be amended so that a situation similar to this would not arise again. A senior official also indicated that in the meantime he would do everything possible to arrange for an early hearing.

The complainant was given a hearing commencing on September 23, 1976 and continuing on October 4 and October 5. The hearing was scheduled to reconvene on October 15, but unfortunately, due to reasons of ill health, the complainant declined to

continue with the hearing. The Day Nurseries Review Board, therefore, instructed the Registrar to carry out his proposed refusal to renew the complainant's licence. Due to the complainant's decision not to proceed with the hearing, we discontinued our investigation.

(19) SUMMARY OF COMPLAINT

This complaint was submitted to us by an M.P.P. on behalf of two of his constituents - a husband and wife.

The husband had received Provincial Benefits from the Ministry for a number of years, but in December, 1975, he was advised that he had been overpaid in the amount of \$4,260.64 and that the Ministry was required to recover it. At this point, the M.P.P. intervened on behalf of his constituents and was able to have the overpayment reduced by \$2,232.10, leaving an outstanding balance of \$2,028.54. Not able to have the overpayment reduced any further, the Member requested our intervention.

In December, 1976, our Office advised the Ministry of our intention to investigate and requested a statement of its position in this matter. We were informed in January, 1977, that upon receipt of our letter, the complainant's file was reviewed and the Ministry had decided to delete the outstanding overpayment. The responsibility for the overpayment was accepted by the Ministry.

Therefore, the complaint was resolved to the satisfaction of the complainant within one month of our notice to the Ministry of our intention to investigate.

(20) SUMMARY OF COMPLAINT

A married couple who attended our private hearings in a Southern Ontario town in September, 1976, had been granted

benefits under the guaranteed annual income system in April but the Ministry terminated their benefits the next month. They felt their benefits had been terminated unfairly and requested our assistance in having them reinstated.

Our Investigator ascertained that the reason the Ministry had terminated the benefits concerned \$6,600 in inheritances that the complainants had received during the previous four years. Ministry officials contended that the couple had not given an adequate explanation of the disposal of the money.

The complainants said, however, that they had spent the money wisely through investing in a house. The house had since been sold and the couple were receiving an income of \$88 monthly through a mortgage they held on the property. Their only other asset, they said, was a \$200 deposit in a local credit union.

The husband was disabled and required hospitalization coverage which is provided at no cost to recipients of the G.A.I.N.S. benefits.

The complainants' field worker said that she had sent the complainants' file to Toronto a month earlier with an explanation of how the inheritance funds had been spent but, she said, the main office had not yet responded to the information that had been provided.

We asked the field worker to attempt to resolve the couple's problem at the local level with her Director and she agreed to try to do so. Our Investigator felt that a local resolution of the situation would be to the couple's advantage because they would otherwise either have to await a decision from the Ministry's main office or proceed with appeal hearings before the Social Assistance Review Board.

By the end of October, less than a month after the complainants had brought their problem to our attention, they informed us that they had received a cheque reinstating them in the G.A.I.N.S. program. They added that they had been assured that the monthly benefit cheques would continue to arrive.

(21)

SUMMARY OF COMPLAINT

This complainant, the mother of two children, was interviewed during our private hearings in a city in Southern Ontario.

She had been receiving family benefits in the amount of \$366 a month, but the benefits were terminated in September. The complainant, a hairdresser, had returned to part-time work in July and had worked full-time in August. According to the Ministry, she had earnings exceeding the allowable maximum and, for that reason, her benefits were terminated.

At the time she brought her problem to us, she was again unemployed but her social worker had indicated that it would take two to three months before her benefit payments would resume. In the meantime, she was receiving welfare.

Our Investigator contacted the Provincial Benefits Branch in Toronto and asked them to undertake an immediate review of the complainant's case. Ministry officials did so and sent the complainant a cheque for \$336 in mid-October.

That amount, which was \$30 less than she usually received, reflected the Ministry's assessment of her July and August earnings. As of November, the officials said her cheques would revert to the \$366 amount each month.

In December, however, the complainant wrote to us saying that the Provincial Benefits Branch had reduced her monthly benefits to \$348 a month. We again contacted the Ministry and learned that there had been some confusion about the complainant's fuel allowance. The Ministry reviewed its file, corrected its figures, and sent the complainant a special cheque for \$100.43 in retroactive benefits.

MINISTRY OF

CONSUMER AND COMMERCIAL RELATIONS

(22)

SUMMARY OF COMPLAINT

The complainant in this case was in the process of establishing a church as a non-profit organization. This organization had been established in the United States approximately six years earlier.

The complainant had made application to the Minister of Consumer and Commercial Relations to be registered as a person authorized to solemnize marriages. This application was turned down by the Minister. The complainant then sought the assistance of a lawyer. The lawyer wrote to the Minister asking him to consider the complainant's application under Section 22(1) of The Marriage Act.

The Minister replied by stating that he had to be satisfied as to the continuity of the existence of the organization, and he explained that the practice was to require that the organization have 25 years of continuous existence. The Minister again turned down the complainant's application.

We notified the Ministry of our intent to investigate the complaint. The Deputy Minister replied that persons had to fulfill the requirements of Section 22(3)(c) of The Marriage Act before they would be registered as persons authorized to solemnize marriages. The section reads:

"No person shall be registered unless it appears to the Minister that the religious body to which that person belongs is permanently established both as to the continuity of existence and as to its rights and ceremonies."

The Deputy Minister stated that the 25 year minimum requirement was not embodied in the Act nor in the Regulations made under it. The 25 year principle had been adopted over the years by officials responsible for administering The Marriage Act as a reasonable interpretation of the requirements of continuous existence.

We concluded that the minimum 25 year requirement, which had been in force for a number of years, was reasonable and we were therefore unable to support the complainant in this matter.

(23)

SUMMARY OF COMPLAINT

The landlord of a 40-unit apartment building said that she was losing money on her property and, as a result, she had raised the rent. Some of her tenants refused to pay the increases and she then made application for a hearing before a Rent Review Officer. In April, 1976, the Senior Rent Review Officer issued an order disallowing the rent increases. The complainant said that she intended to appeal the decision but that she was away during the period when her appeal should have been considered. She filed her appeal in July, 1976, but it was disallowed.

The complainant then alleged that she was given no written reasons for the order. She stated that she was not in Toronto in April, 1976, that she was continuously out of the country until July, 1976 and that she did not receive the Rent Review Order until her return to Canada. She alleged that the Rent Review Officer was not interested in her application, was careless and was unjust in his award.

In January, 1977, the Executive Director of the Ontario Rent Review Office told us that the Rent Review Officer assisted the complainant by completing her application, using information she had supplied. He then allowed a 9% increase on units with a one year lease and 14.5% on units with a two year lease. The decision was based on financial data related to 1974, 1975 and the projected costs for 1976.

Our Investigator reviewed files and spoke to officials at both the Provincial and local rent review offices, and he confirmed the information given by the Executive Director in his reply to us. It was apparent to the Investigator that the Rent Review Officer and another official went so far in their assistance to the complainant as to complete in detail her application, using financial statements which she had supplied.

The complainant was unsure of the date she left Toronto, but finally said that it was four or five days prior to an Air Canada trans-border fare increase in April, 1976. Checking with Air Canada, the Investigator learned that the

increase took place on April 25, 1976, so it was assumed that she left around April 20-21, 1976, prior to the expiry of the 15-day appeal period. Moreover, checks by the investigator with the Post Office indicated that not only was there no interruption to the mail to her home in April, but that the same letter carrier delivered her mail the entire month. Under these circumstances, postal authorities considered that if the Order was mailed on the date it was signed (April 9), in accordance with the Rent Review Program policy, it should have reached the complainant by April 12, 1976.

Having given full consideration to the facts of the investigation, we found no fault with the actions of the officials of the Ontario Rent Review Program and we concluded that we could not support the complainant's allegations.

(24)

SUMMARY OF COMPLAINT

The complainant represented a group of tenants whose landlord sought a rent increase effective August 1, 1976, having given notice to the tenants in April, 1976. The tenants applied for a hearing before a Rent Review Officer under The Residential Premises Rent Review Act and the hearing was set for September 8, 1976. The landlord did not reply to the tenants within the required 15 days and, as a result, they contacted the Application Control Officer of the Board. He told them that a new notice of hearing would be sent and they subsequently received a new hearing notice for September 21, 1976. They were told that the hearing scheduled for September 8 was cancelled.

When the tenants arrived for the hearing on September 21, they were told that the hearing had been held on September 8 in their absence. They subsequently received an Order awarding increases in their rents, and, when they filed an appeal, they were told by an official of the Residential Premises Rent Review Board that their appeal could not be entertained because they were not present at the hearing on September 8.

Our investigator interviewed the Legal Officer of the Rent Review Program who told him that, due to the confusion over the hearing dates, he would propose to the Ministry of the Attorney-General that they consent to an order quashing the order of the Rent Review Officer. In addition to quashing the order, he said there would be a re-hearing of all the issues.

On December 14, 1976, the complainant advised us that the landlord had withdrawn his original application and a new application was being prepared for a new hearing.

(25)

SUMMARY OF COMPLAINT

This complainant had learned that information about him stored with a Credit Bureau related to in some cases to debts which had been discharged up to two years earlier. He felt that this was unfair in that he was conscientiously reducing his considerable indebtedness.

He also complained about his inability to see the Minister and although he had met with the Director of the Commercial Registration Business Practices Division on several occasions, he was not satisfied with assurances that consideration of amending the legislation would proceed routinely.

The relevant legislation he was concerned about was The Consumer Reporting Act, section 9 of which permits information concerning "consumer reports" as much as seven years old to be held by consumer reporting agencies under certain circumstances.

The Deputy Minister pointed out that:

"...the seven year period was fully discussed during the Committee stage of the legislative process. It was decided at that time that the seven year period was not an excessive period. It should be noted that the period chosen is identical to the period set out in legislation adopted in a number of other provinces and in the United States."

The complaint was discussed with the Registrar under The Consumer Reporting Act, who indicated that although there are few complaints about the Act, it is the time limit that is the most frequent subject of complaint.

Upon completion of our investigation, we recommended that the Registrar be instructed to utilize his powers under the Act to ensure the accuracy and completeness of the Credit Bureau's file on the complainant and that consideration be given to reducing the time limit in the Act.

The Deputy Minister subsequently advised us that the Registrar was carrying out our first recommendation and that serious consideration would be given to our comments concerning the current time period.

We then advised the complainant of the results of our investigation.

(26)

SUMMARY OF COMPLAINT

This complainant wrote our Office in October, 1976, because the Office of the Registrar-General refused to register the name of her newborn son in the hyphenated surname of both parents, with the name of the mother preceding that of the father.

Upon her marriage in 1974, the complainant had chosen to retain her maiden name and incorporate it with her husband's surname preceded by a hyphen. In the ensuing years her name had been recorded in that manner in the Deed as co-owner of a house with her husband, on her Social Insurance Card, Chargex Card, Driver's Licence and Transfer Vehicle Permit.

When, in January, 1976, a son was born to the couple, both the husband and wife agreed to register the birth of the child in the hyphenated surname, with the mother's name

preceding that of the father. They submitted completed forms to that effect to the Office of the Registrar-General in March, 1976.

However, in April, 1976, the Assistant Deputy Registrar-General replied that, although the Ontario Law Reform Commission was considering revision of The Vital Statistics Act, the revision specifically stated that although a hyphenated name would be allowed, the name of the husband must precede that of the wife. The couple then retained the services of a lawyer to effect the desired registration, but in October, 1976, the husband received a Notice of Birth Registration in a name different to that requested.

Our Director of Research studied both The Vital Statistics Act and The Vital Statistics Amendment Act, 1976, and learned that it was section 6(11)(a) of The Vital Statistics Act which the Assistant Deputy Registrar-General referred to when he refused to register the child's name as requested. Our Director of Research also learned that the subject of hyphenated surnames had been discussed during the proceedings of the Supply Committee on June 3, 1976 (Hansard p. S-1383), by Mr. Renwick, Mr. Humphries and the Honourable Mr. Handleman, the latter indicating that had there been a debate on the question of the requirement that the man's name precede that of the woman, he would have been prepared to make that choice optional.

A reading of the Alberta Health and Social Development Statutes Amendment Act disclosed that in that Province the order in which the surnames are to appear in the hyphenated registration has already been made optional.

Our study of the Report of the Ontario Law Reform Commission on Changes of Name, which was tabled in the Legislature on November 10, 1976, also revealed that the Commission recommended an amendment to The Vital Statistics Act to make it optional as to which surname was to appear first in a hyphenated name.

In November, 1976, our Director of Research contacted the Assistant Deputy Registrar-General to advise him of this

complaint and to obtain further information respecting this particular problem.

At that time, the official told us that the Office of the Registrar-General would not object to an amendment to The Vital Statistics Act making the order in which a hyphenated name is registered optional, and were the Act to be amended as suggested, the Office would arrange to have the registration of the complainant's son's name changed.

In December, 1976, the Ombudsman wrote to the Deputy Minister of Consumer and Commercial Relations setting out the problem encountered by this complainant and advising him of the results of our Office's research.

The Ombudsman also advised the Deputy Minister that, although the decision of the Registrar-General to refuse to accept the registration in the name requested by the complainant was a proper one in view of the present legislation, it nevertheless, in the words of section 22(1)(b) of The Ombudsman Act, 1975, was made in accordance with a provision of an Act which "... is or may be unreasonable, unjust, oppressive, or improperly discriminatory". Accordingly, pursuant to section 22(3)(e) of the Act, the Ombudsman recommended to the Deputy Minister that The Vital Statistics Act be amended to make the order of the surname of the husband and the surname of the mother optional.

Later in December, 1976, the Deputy Minister advised the Ombudsman that both he and the Minister agreed with the Ombudsman's recommendation and proposed to introduce an amendment to The Vital Statistics Act during the next Session of the Legislature.

MINISTRY OF

CORRECTIONAL SERVICES

(27)

SUMMARY OF COMPLAINT

This matter was brought to our attention in February, 1976, when a staff member from the Cornwall Jail initiated an anonymous letter through his lawyer complaining about a staff problem at that Jail. The staff member, who had written on behalf of middle management staff at the jail, indicated that over a period of time a serious conflict had developed between the Superintendent and a particular Correctional Officer. He stated that both staff and inmates were caught in the middle of the conflict. Subsequently, we received telephone calls from the families of inmates at the jail indicating that inmates were on the verge of a hunger strike.

One of our Investigators visited the jail, and, after consulting with staff and inmates, confirmed that there was an ongoing staff conflict and that this problem was having an adverse effect on both staff and inmate morale. Inmates indicated that the threatened hunger strike was designed to draw attention to their plight. They claimed that the staff problem was creating unusual hardships for them as the staff at the institution was preoccupied with their own difficulties. In effect, the inmates were demanding a resolution of the staff conflict.

As a result of the initial visit, our Office began to monitor the situation at the jail on an ongoing basis. To this end, the feelings of the staff and inmates of the jail were brought to the attention of the Ministry officials - including the Superintendent, the Regional Administrator and the Director of Personnel. Eventually, the problem was referred to the Executive Director, Adult Programs, and the Deputy Minister who were initially unaware of the gravity of the situation. The Ministry indicated it was prepared to review this situation and take any necessary action.

From March to August, 1976, the particular officer involved in the conflict was the subject of a series of disciplinary hearings held by the Ministry which resulted in his suspension from duty, his subsequent reinstatement

and eventual dismissal from service in August, 1976. The officer launched grievance proceedings through his union, the Ontario Public Service Employees' Union, these proceedings remained in progress until December, 1976, when the officer withdrew his grievance.

Throughout the period from February to December, 1976, our Office received numerous complaints from inmates and staff members which indicated that there had been no alleviation of the problem at the jail. In July, 1976, one of our Investigators again visited the jail and confirmed that the problem of staff conflict and low staff and inmate morale persisted. It appeared at that time that no significant improvement would occur until all grievance proceedings were completed and the officer's employment status finally resolved. It was clear that the uncertainty of the outcome of this issue contributed to the general morale problem even after the officer ceased employment at the Jail in August, 1976. As part of an ongoing contact, senior Ministry officials were advised of our views and urged to resolve the outstanding grievance as soon as possible.

In October, as a result of continuing complaints from staff and inmates, another Investigator visited the jail. At that time it appeared that despite the removal of the problem officer, staff and inmate morale had not improved. The Investigator's impression was that the original conflict between the officer and the Superintendent had been only symptomatic of a much greater problem which involved the Superintendent's approach to running the jail and his dealings with staff and inmates. The most acute problem was poor staff morale which manifested itself in the form of antagonism among staff, and between staff and the Superintendent. This resulted in inconsistencies in dealing with inmates which generated a significant number of complaints to our Office.

Based on our view that the staff and inmate morale issue remained unresolved and had in fact deteriorated further, we met with the Deputy Minister, Assistant Deputy Minister and the Executive Director, Adult Division in

November, 1976. At that meeting we emphasized the deplorable state of management-staff relations at the jail and the Ministry was asked to review this more general problem. Subsequently, the Ministry advised our Office that they were reviewing the situation at the jail but would take no action until such time as the grievance proceedings undertaken by the dismissed officer were resolved.

In January, 1977, our Investigator again visited the jail shortly after it was learned that the dismissed officer had withdrawn his grievance. At that time the situation appeared unchanged - staff and inmate morale remained low and unrest was growing. Again, senior Ministry officials were advised of our updated assessment of the situation at the jail. Between January and April, 1977, our Office continued to receive information from both staff and inmates that the situation of poor management-staff relations had not improved and was reaching the point of crisis.

In March, 1977, the Ministry advised us that it had completed its inquiry into the situation at the jail. While the information they received was at variance with that provided by our Office, the Ministry had accepted our assessment of the management-staff conflict at the jail which was based on our ongoing investigation. The Ministry further advised that they would take appropriate action in the near future.

In April, 1977, the Ministry advised our Office that the Superintendent of the jail was being transferred to another position.

(28)

SUMMARY OF COMPLAINT

This matter was brought to our attention through a telephone call from the complainant's lawyer. The complainant and eight other inmates had participated in a sit-down disturbance in the exercise yard of the Barrie Jail two

days prior to the complaint to our Office.

The men had subsequently been convicted of institutional misconducts and had been sentenced to indefinite segregation, loss of all privileges, and placement on a special diet not to exceed ten days. The complainant and five fellow inmates felt that the punishment imposed was too severe. However, and more importantly, they wished our Office to investigate the causes which led to the disturbance. Upon receipt of the telephone call, one of our Investigators immediately went to the Barrie Jail. Interviews were conducted with six of the inmates who had been involved in the disturbance (the other three had been transferred from the jail) and with staff members, including the Superintendent.

The complainants indicated to our Investigator that they believed that the Superintendent was unaware of the reasons which led to their decision to have the sit-down. It soon became apparent to our Investigator that, although the incident had occurred two days earlier, the Superintendent was unaware of the causes of the disturbance. She suggested that he hold a special Superintendent's parade to meet with the six inmates and hear their concerns. The complainants all spoke privately with the Superintendent and their opinions regarding the negative attitudes of two Correctional Officers, inadequate shower facilities, insufficient clean clothing, and poor food, were noted by him. The Superintendent was also advised that the inmates' decision to remain in the yard had been spontaneous and was not a planned incident.

At the time of the sit-down there had been 17 inmates in the institutional yard. The men had been instructed to return to the institution and all but the 9 had obeyed the order. The police were called and some of these remaining inmates were carried into the institution, while all others entered peaceably.

During the misconduct hearings with the nine men, the Superintendent made the decision to award the punishments itemized above, but following our Investigator's visit, the radio was turned on in the complainants' corridor and they

were granted permission to leave their cells and congregate in the corridor area for an exercise period. The men were subsequently released from segregation after a period of seven days.

Three weeks later, our Investigator returned to the Barrie Jail and spoke with the complainants still residing in the institution. They indicated that there had been an increase in the number of showers, that more clean clothing was available and that the food had improved. They also said that the two Correctional Officers about whom they had voiced their concerns, were no longer a source of tension.

The Superintendent told our Investigator that he had personally interviewed all correctional staff in the institution, including the two officers who were named in the inmates' complaint. He had verbally counselled these two officers and felt that this action had been sufficient.

Since the complainants had indicated that their problems had been resolved, we felt that the Superintendent resolved the matter satisfactorily.

(29)

SUMMARY OF COMPLAINT

This complaint was referred to our Office by an M.P.P. The complainant had been approved for transfer from Millbrook Correctional Centre (Maximum-Security), to Guelph Correctional Centre (Medium-Security), following three months of excellent behaviour. However, two months after the approval, he was still in custody in Millbrook.

Our Investigator immediately contacted Ministry officials to determine why the complainant had not yet been transferred to the Guelph Correctional Centre.

She was advised that the Institution was filled to capacity and that there were over 100 inmates throughout the Province waiting for transfer to Guelph. Our Investigator suggested that, as the complainant had already been waiting two months, he be given special consideration.

Five days later, the complainant was transferred to the Guelph Correctional Centre.

(30)

SUMMARY OF COMPLAINT

The complainant contacted us and said that he was about to be transferred to Millbrook Correctional Centre, a maximum-security institution, from Maplehurst Correctional Complex, a medium-security setting. He claimed that he did not know the reason for the transfer and said that he had maintained good behaviour while at Maplehurst and had, in fact, applied for a transfer to a minimum-security institution.

Our Investigator contacted officials at Maplehurst to determine why the complainant was being reclassified to a maximum-security institution. She was advised that he had not been charged with any breach of Maplehurst's regulations and that the only negative report had followed a telephone call between the complainant and his lawyer, in which it was alleged that the complainant had stated in an upset tone that he wished to be transferred to a penitentiary, and that, if it were necessary, he could commit another offence so as to increase his total definite sentence to a penitentiary term.

Our Investigator then contacted the complainant's lawyer who stated in writing that his client had been polite and subdued throughout their telephone conversation and that no such threat had been made.

We then contacted officials of the main office of the Ministry and requested an explanation of the reasoning behind the complainant's proposed transfer to Millbrook. After studying the case, Ministry officials agreed that an error had been made in the processing of the complainant's application for a transfer and the complainant was immediately reclassified for a transfer from Millbrook Correctional Centre to Guelph Correctional Centre, a medium-security institution.

(31)

SUMMARY OF COMPLAINT

This complaint was sent to us from an inmate at the Guelph Correctional Centre.

Prior to his being incarcerated, the complainant had been in receipt of full Workmen's Compensation benefits following an occupational accident which resulted in paralysis from the waist down.

Although an inmate cannot receive compensation benefits while in prison, such benefits can be transferred to the inmate's dependents.

Following receipt of the inmate's letter, the complainant was interviewed and we discovered that he had been attempting for some time without success to have his Workmen's Compensation benefits sent to his wife while he was in prison.

We then telephoned the Workmen's Compensation Board and, after explaining the situation to the Claims Officer involved with the case, we were informed that the Board required some further medical information from the Correctional Centre.

With the assistance of the Superintendent, we arranged for the required medical information to be sent to the Board, and shortly thereafter we learned that the complainant's wife had received a cheque from the Workmen's Compensation Board retroactive to the date of her husband's incarceration. We were also informed that future benefits would be sent to her until her husband's release.

(32)

SUMMARY OF COMPLAINT

The complainant, an inmate at the Maplehurst Correctional Complex, wrote to us to protest that a radio belonging to him had been confiscated by a Correctional Officer.

When interviewed, he said that the radio had been purchased from the institutional canteen and that there was no reason for its removal from him. The radio had apparently

been placed in his personal property to be issued to him upon his release from the institution.

The inmate's problem was brought to the attention of the institutional authorities, who said that the complainant had been warned repeatedly about playing the radio too loudly. The complainant did not respond to the warnings and therefore the radio was taken from him.

Our Investigator agreed that the complainant's misbehaviour required some punishment, but he questioned the need for such a severe sanction.

The Deputy Superintendent conceded that permanent removal was a fairly harsh penalty and after conferring with the correctional staff, he said that if the inmate's behaviour remained satisfactory for the next month, his radio would be returned.

(33)

SUMMARY OF COMPLAINT

This matter was brought to our attention by an inmate at Millbrook Correctional Centre. The problem concerned the period from October, 1975, to May, 1976, when the complainant served as an inmate orderly in the psychiatric unit at the Toronto Jail. He complained that while he performed well as an orderly on a voluntary basis, there was no record of this on his institutional file.

Our Investigator visited the Toronto Jail and spoke with the Head Psychiatric Nurse to verify the complainant's account of his work in the psychiatric unit. The Head Psychiatric Nurse confirmed that the complainant had been an orderly during that period and had performed a valuable service proving to be both trustworthy and reliable. The nurse indicated she would be prepared to submit a report of the complainant's work performance to be placed on the complainant's main file if this was approved by the Assistant Superintendent. He was contacted by our investigator and indicated that he had no objection to this action and would

authorize the nurse to prepare a suitable report for the file.

A short time later, a copy of the work performance report, which had been placed on the complainant's main institutional file, was received by our Office.

(34)

SUMMARY OF COMPLAINT

This complaint was brought to our attention by an M.P.P. in conjunction with the Provincial Citizens Inquiry Branch. The complainant was released from his probationary position as a Correctional Officer at Guelph Correctional Centre in January, 1974, for excessive use of sick time credits. After writing to the Minister, he was advised that he should maintain other employment for one year so as to demonstrate that he was a reliable employee. He was told that upon verification of his reliability, the Ministry would be pleased to consider rehiring him.

The complainant told our Investigator that he had been fired from Guelph Correctional Centre for alleging misconduct on the part of a Senior Officer and that he had since been black-listed throughout the Ministry.

Our Investigator interviewed a number of Ministry officials regarding this complaint. In addition, interviews were conducted with witnesses suggested by the complainant. Our Investigator determined that the complainant had not been black-listed by the Ministry.

After taking into account information from the complainant's file, which indicated that he had commenced his probationary term as a seemingly capable and potentially successful Correctional Officer, our Investigator suggested to the personnel staff that consideration should be given to rehiring him. The Investigator determined that the extensive use of sick time credits had resulted from the complainant's family problems, which had since been resolved. Our suggestion

was agreed to by the Director of Personnel and the complainant was interviewed for future employment as a Correctional Officer.

Following the interview, the complainant was requested to provide the Ministry with proof of a Grade 12 education, as required under Civil Service Regulations, which had come into effect after the complainant's initial term of employment.

The complainant then obtained a letter of standing from his local high school and was rehired. We were later informed that the complainant, after serving one day as a Correctional Officer, resigned his position with the Ministry for personal reasons.

(35)

SUMMARY OF COMPLAINT

The complainant, an inmate at the Maplehurst Correctional Complex said that on three occasions he had been denied temporary absence passes which he had sought for compassionate reasons.

On two of these occasions, the T.A.P. passes were requested to attend funerals. When interviewed, the complainant was about to be transferred to a minimum-security institution to serve the short remainder of his sentence. He remained upset, however, that the institutional authorities had not permitted him to attend the funerals of his common-law wife's mother and a distant uncle with whom he had previously resided and enjoyed a close personal relationship.

The complainant's institutional record was reviewed and his complaint was brought to the attention of the Deputy Superintendent by one of our Investigators. The Deputy Superintendent explained that it was not the institution's policy to grant T.A.P. to attend funerals except in cases of very close family relations. In the complainant's case, the mother of his common-law wife and a distant uncle were not considered to be close relatives for T.A.P. purposes.

In addition, the complainant had a history of alcohol abuse and was then serving a sentence for alcohol-related

offences. The institutional authorities felt that there was a definite possibility that the complainant would return to drinking under the stressful situation of attending a funeral.

Based on the complainant's history of alcohol abuse, the insitutional authority's decision to deny T.A.P. privileges did not appear unreasonable.

However, had it not been for the factor of possible alcohol abuse, the authorities would have been asked to consider extending the scope of the definition of "close relative" for the purpose of T.A.P.'s to attend funerals. It appeared to us that the fact that the complainant had lived with his uncle for several years might qualify the relationship as a close one for T.A.P. purposes.

(36)

SUMMARY OF COMPLAINT

This complainant, an inmate at Millbrook Correctional Centre, asked for our assistance in obtaining a transfer from that maximum-security institution. He stated that, although he had spent a number of months in the institution without difficulty, and had only 1½ months to serve before his release, he was experiencing what he believed to be a mental breakdown.

The complainant had not made a formal application for transfer to another institution because he had not had an institutional misconduct-free record for a three month period. Millbrook Correctional Centre is the Ministry's maximum-security institution, to which, among other categories, inmates with behaviour problems are classified. To be re-classified, inmates must demonstrate a minimum of three months good behaviour.

During the initial interview, our Investigator advised the complainant that he should make a formal application for transfer to the Ministry.

The Investigator also spoke with Correctional Officers who had been directly involved in supervising the complainant during his incarceration. The correctional staff all indicated that they believed the complainant was being sincere when he said he felt he was on the verge of a mental breakdown. Our Investigator also discussed the situation with Millbrook's Superintendent and the Chief Psychologist.

The Director of the Guelph Assessment and Treatment Unit was also approached to see if he would accept the complainant into that institution's program. However, there was not sufficient space in the institution to accommodate him. Our Investigator, then explored the possibility of alternative arrangements and, as a result, a decision was then made to transfer the complainant to an institution closer to his home - the Niagara Detention Centre.

The complainant completed his sentence at the Niagara Detention Centre without any additional institutional misconducts and also had been released on a five day pre-release pass from the institution.

(37)

SUMMARY OF COMPLAINT

The complainant wrote to our Office from Maplehurst Correctional Complex requesting assistance in obtaining an Accident Injury Report following his involvement in an accident in the furniture plant in the institution.

He indicated that prior to his term of incarceration he had received a spinal fusion and was seeking compensation from the Workmen's Compensation Board. The complainant was concerned that the Workmen's Compensation Board might deny his application for benefits as a result of his more recent accident in the institution.

Our Investigator spoke with the complainant and examined his institutional, medical and unit files without finding an Accident Injury Report. There was however, an indication

in the medical file that the complainant had spent approximately one month in the medical wing of the institution as a result of back problems. Our Investigator then brought the complainant's concern to the attention of the Superintendent who indicated he would look into the matter.

The Superintendent subsequently advised our Investigator that an Accident Injury Report was prepared following her visit to the institution.

(38)

SUMMARY OF COMPLAINT

This complainant wrote to us from Mimico Correctional Centre about delays in the delivery of inmate mail. The complainant stated that he had received a letter from his lawyer eight days after it had been mailed. He went on to say that he had noticed incoming inmate mail sitting on the tables in the units for more than one day instead of being delivered.

After interviewing the complainant, our Investigator discussed his concerns with the Superintendent, who indicated that he shared the Investigator's concerns that perhaps the mail censor was being lax in fulfilling his required duties. He said that he would change these duties to include not only the censoring of mail, but also the delivery of all inmate mail to their individual beds. In that manner, the mail would be delivered the day it arrived in the institution.

Two days after our visit to the institution, our Investigator again contacted the Superintendent who said that the mail officer's duty had been changed.

(39)

SUMMARY OF COMPLAINT

This matter was brought to the attention of one of our Investigators during a visit to the North Bay Jail.

The complainant was concerned about the fact that he had applied for Legal Aid three weeks earlier but had received no reply. During this period he had made one court appearance and had been remanded because he was not represented by counsel. Another court appearance was scheduled for the next day and he was concerned that he still would not be represented due to the delay in receiving an answer from Legal Aid.

The complainant was advised that the Ontario Legal Aid Plan is not a "governmental organization" within the meaning of section 1(a) of The Ombudsman Act, 1975 and, therefore, his complaint was outside our jurisdiction. However, he was advised that his concern would be brought to the attention of the Superintendent.

Our Investigator referred this matter to the Superintendent who instructed the Assistant Superintendent to look into the matter immediately. In the presence of our Investigator, the Assistant Superintendent telephoned the local Legal Aid Office and was informed that the complainant's application for Legal Aid had been granted and that the Legal Aid certificate had been mailed.

Because of the urgency of this case, the Assistant Superintendent sought and was given verbal permission to begin the process of lawyer selection for the complainant. Also in the presence of our Investigator, the Assistant Superintendent advised the complainant that he had been granted Legal Aid, provided him with a list of Legal Aid lawyers and made arrangements for the complainant to telephone the lawyer of his choice to ensure that he would be represented by counsel at his court appearance the following day.

(40)

SUMMARY OF COMPLAINT

An inmate at the Guelph Correctional Centre complained to us that he was being unduly harassed by the institution's authorities. He explained that he had been charged with an

institutional misconduct after he accidentally cut his wrist on a window frame. The complainant said that he had lost 10 days of statutory remission time as a result of this incident which he felt was an unfair punishment.

During our Investigator's visit with the complainant, he indicated that he felt it may not have been unreasonable for the institution's authorities to think that a second episode of cut wrists within a short span of time was not an accident.

The complainant said that he had attempted suicide about a month earlier at the Toronto Jail. Nevertheless, the complainant was advised by our Investigator that he could write to the Deputy Minister in an attempt to have his lost statutory remission time reinstated.

We were later advised by the complainant that he had been successful in his attempt to have his statutory remission time reinstated.

Included in the complainant's subsequent letter was an additional concern. He had been notified of his acceptance for a treatment program at the Ontario Correctional Institute in Brampton, however, the letter of notification had been sent to him at the Toronto Jail. The complainant was unsure whether the Brampton authorities were aware of his present location and whether the decision to accept him at the Ontario Correctional Institute had been changed in light of the fact that he had been sent to the Guelph Correctional Centre.

Our Investigator contacted officials at the Ontario Correctional Institute who indicated that they were aware that the complainant was at Guelph. In addition, they pointed out that a letter had been sent to the Guelph authorities indicating that the complainant should be transferred to the Ontario Correctional Institute on a specified future date.

The complainant was advised that the authorities at the Ontario Correctional Institute were aware of his present location and that he was to be transferred there in the near future.

(41)

SUMMARY OF COMPLAINT

This matter was brought to our attention in a letter from the complainant who was an inmate at the Burtch Correctional Centre. The complainant sought our assistance in obtaining compensation for partial disability which had resulted from injuries he sustained in a fall from a tractor during a work assignment at the institution.

When interviewed, the complainant said that his left elbow had been badly fractured and required extensive surgery. The surgeon had advised him, he said, that he might never recover full use of his arm and he was concerned that he would be unable to resume employment as a labourer when released on parole in the near future.

The inmate's problem was discussed with the Superintendent who provided our Investigator with reports relating to the accident and subsequent medical treatment. While the reports indicated that the complainant may have caused the accident by his failure to follow staff instructions, the Superintendent said that the complainant's claim for compassionate allowance from the Ministry had been forwarded to the Medical Services Consultant for his decision. The complainant did not qualify for Workmen's Compensation Board benefits and therefore his only avenue of relief appeared to be through the granting of compassionate allowance by the Ministry.

The Ministry's procedures with regard to the granting of compassionate allowance were reviewed and the Medical Services Consultant was contacted concerning the status of the complainant's application. The Medical Services Consultant advised us that the claim was being reviewed despite reports that the complainant may have caused the accident through disobedience. The Medical Services Consultant said that as soon as medical reports were available a decision would be rendered by the Ministry.

As no decision had been made on the complainant's application for compassionate allowance, the complaint

was premature under Section 15(1) of The Ombudsman Act, 1975. The complainant was advised accordingly and informed of the status of his application and what further steps would occur before the Ministry reached its decision. He was also advised of his right to seek the Ombudsman's assistance again should the decision reached by the Ministry be unfavourable or unfair in his view.

(42) SUMMARY OF COMPLAINT

An inmate in the female section of the Toronto Jail wrote to us concerning conditions at the Jail.

When we interviewed her, she told us she was a 44 year old woman serving a short sentence for fraud. Her motivation for writing to the Ombudsman was to bring to his attention the "other side" of the story about conditions at the Toronto Jail.

He said that she was very concerned about the adverse publicity that the Toronto Jail had received. While she conceded that facilities were not ideal and could be improved, she attributed many of these problems to the age of the Jail. On the other hand she emphasized that during her stay at the Jail, she had never been mistreated, and in fact, felt that she had been very fairly treated by the staff at the Jail.

She praised the work of the matrons at the Jail, emphasizing the difficulty of their jobs. She felt that the matrons take a great deal of abuse from some inmates and that this was very unfair. She indicated that during her experience there, she had received good food, adequate medical attention and she also said that the surroundings were always kept clean.

She stated she was concerned that the Ombudsman might get a prejudiced view of the Jail and said that in her opinion many other inmates at the Jail had experiences similar to her own.

(43)

SUMMARY OF COMPLAINT

On August 16, 1976, an investigator from our Office visited the Toronto Jail to interview an inmate who had written a letter of complaint to us on August 11, 1976. During the course of the interview, our investigator was informed that another inmate had been beaten by Correctional Officers at the Toronto Jail on the evening of Saturday, August 14, 1976.

Our Investigator returned to the Toronto Jail on August 17 to investigate the alleged assault. In a written statement taken by our Investigator, the complainant stated that during the evening of Saturday, August 14, 1976, he was forcibly removed from the No. 2 Annex after he refused to obey an order given to him by a Correctional Officer. Prior to being removed from No. 2 Annex, he claimed that he was prodded and struck by officers using brooms. He also alleged that he was punched, thrown downstairs and kicked in the head while he was lying on the floor near the library. He claimed that he suffered several bruises and cuts as a result of this treatment. He was then placed in the bullpen prior to being taken to the nurse for medical attention. From there, he was escorted to the 2-B dissociation cells where he was charged with disobeying an order.

When our Investigator examined the complainant, he noted bruises to the head and body of the inmate and, therefore, he took a number of photographs of the bruises. As part of our initial investigation of this complaint, the following steps were taken:

- 1) Photostats of all incident reports were obtained;
- 2) The complainant's medical file was studied and pertinent medical records were obtained;
- 3) Copies of the misconduct report were obtained;
- 4) It was noted that the complainant was placed in segregation;
- 5) Written statements were obtained from all inmate witnesses.

Based on this information, we decided that it would be in order to conduct a hearing pursuant to Section 20 of The Ombudsman Act, 1975.

On August 17, 1976 a letter was sent to the Deputy Minister of Correctional Services informing him of our intention to investigate the complainant's allegation of assault by Correctional Officers at the Toronto Jail. On August 18, 1976, the five Correctional Officers in question submitted written statements to our Office.

On August 26, 1976, the Ombudsman, pursuant to Section 20 of The Ombudsman Act, 1975, delegated to Mr. Thomas P. O'Connor, Q.C., the authority to administer the oath and to conduct a hearing under oath in relation to the aforementioned complaint. On the same date, Mr. O'Connor and three Investigators from our Office visited the Toronto Jail in order to observe the location where the alleged assault took place. As well, Mr. O'Connor met with the five Correctional Officers allegedly involved in the incident in the presence of their shop steward and he advised them of the proceedings that our Office was about to undertake. At that time, they were advised that a hearing would take place at our Office and that they would be entitled to counsel.

On August 27, 1976, the complainant and four other inmate witnesses, five Correctional Officers, one nurse, one doctor, the Senior Assistant Superintendent and the Superintendent of the jail were served with subpoenas requiring their attendance at the Office of the Ombudsman on September 2, 1976. Subsequently, the inmates were advised that they would also be entitled to counsel.

Mr. Robert J. Carter, Q.C., was retained as counsel for the Correctional Officers and Mr. Francis L. O'Donnell was retained to represent the inmates.

The hearing was held on September 2, October 4 and October 14, 1976. The complainant, four other inmate witnesses, five Correctional Officers, one nurse, one doctor, the Senior Assistant Superintendent and the Superintendent of the jail were all examined under oath.

On March 7, 1977, a letter, pursuant to Section 19 (3) of The Ombudsman Act, 1975, was forwarded to the Minister of Correctional Services, outlining three possible recommendations. These recommendations were:

- 1) That the Ministry of Correctional Services take disciplinary action against a particular Correctional Officer for breach of Section 21 (a) of Regulation 166 under the Ministry of Correctional Services Act, 1970 for using unnecessary force to subdue the complainant on August 14, 1976. The form of this disciplinary action was to be solely at the discretion of the Ministry.
- 2) That the medical procedures at the Toronto Jail be upgraded to ensure that inmate complaints resulting from physical violence be reported by Correctional Officers and administrative staff in sufficient detail to ensure proper examination and treatment.
- 3) That the administrative staff at the Toronto Jail be better instructed as to their duties and obligations, as set out in the Manual of Standards and Procedures and the Regulations of the Ministry of Correctional Services Act.

As a result of our investigation, we determined that a particular Correctional Officer had unnecessarily struck the complainant on the head with a broom on August 14, 1976. Furthermore, the doctor and nurse who treated the complainant after the injury, did not properly document their observations of the man after they saw him. In addition, the Senior Assistant Superintendent who reviewed the incident on the following day charged the complainant without allowing him to call witnesses and did not properly inform the doctor and nurse that the complainant had been struck on the head with a broom.

On March 7, 1977, the lawyers who represented the Correctional Officers and the inmate witnesses, Mr. Carter and Mr. O'Donnell were also sent letters pursuant to Section 19 (3) of The Ombudsman Act, 1975, advising them that there might be sufficient grounds for making a recommendation that might adversely affect one or more of the persons who were examined under oath and inviting them to make further representations to us.

On March 31, 1977, we forwarded a detailed report of our findings to the Deputy Minister of Correctional Services, requesting that he advise us what steps the Ministry proposed to take to give effect to our recommendations as outlined in our Section 19 (3) letter dated March 7, 1977.

On April 12, 1977, the Deputy Minister informed us that he was prepared to follow our recommendations.

On April 18, 1977, the doctor and nurse in question at the Toronto Jail were counselled by the Senior Medical Consultant for the Ministry and the appropriate documents were placed on their files. Furthermore, on May 16, 1977, the Correctional Officers and the Senior Assistant Superintendent in question were counselled by the Regional Administrator for the Ministry of Correctional Services and the appropriate documents were placed on their files as well.

On May 20, 1977, the Deputy Minister informed us in writing that each of the recommendations contained in our report had been fully implemented.

MINISTRY OF

CULTURE AND RECREATION

(44)

SUMMARY OF COMPLAINT

In August of 1976, the complainant purchased a book of five Wintario tickets for a draw later that month. The series numbers of the five tickets were 61, 63, 64 and 65. The complainant alleged that the combination was not in accordance with random selection and that he did not have five equal chances of winning.

We contacted the Ontario Lottery Corporation which sent us a comprehensive reply explaining the randomization, planning for, and distribution of Wintario tickets. The reply indicated that lead times for production are six to eight weeks prior to a draw. To meet fluctuating market conditions, the basic issue of tickets for each draw consists of a given number of tickets mixed together and packaged so as to provide a random selection of ticket numbers and series in each book of five tickets. To meet possible needs, back-up series are also printed, mixed and held in reserve. These tickets are randomized among themselves to provide a mix of ticket numbers and, as far as possible, of series numbers.

For the draw of August 19th, a base mix of 60 series and a back-up of 6 additional series was ordered. By August 4, it was evident that consumer demand warranted the release of the back-up series. Thus, there were 66 series of tickets issued to retailers.

Both the base mix and the back-up series were randomly issued by the security printer. The books themselves, after packaging, went through a random shuffle as well in an effort to ensure a random distribution of tickets and series numbers across the Province. The Ontario Lottery Corporation cannot guarantee that five different series numbers will appear in each book, nor does the Corporation advertise that it does.

At the time of his purchase, the complainant had the opportunity to check ticket and series numbers and, if they were not to his satisfaction, he could have asked for a different book.

We considered the Corporation's comprehensive reply and concluded that the one remaining point requiring clarification

was whether the repetition of series numbers, which the complainant encountered, could truly be termed random.

Our study of a standard table of random numbers in four figure groups showed that duplication was common. We therefore concluded that the complainant's contention that his combination of tickets was not in accordance with random selection could not be supported.

MINISTRY OF

EDUCATION

(45)

SUMMARY OF COMPLAINT

This complaint was brought to our attention during a private hearing in a Southern Ontario city. It was directed to our Director of Rural/Agricultural/Municipal Services for review and to our Director of Research for a determination of our jurisdiction.

A group of concerned French-speaking citizens complained against the action of the Essex County Board of Education for not proceeding with the construction of a French-language secondary school which was to be built in Sandwich South Township.

The Windsor Board of Education entered into an agreement with the Essex County Board of Education in 1975 for a term of 10 years to purchase education from Essex County when the new French-language school was constructed. This commitment was binding on the Windsor Board until September, 1980. On April 7, 1975, the Essex County Board of Education voted to proceed with the school having rejected the idea twice previously.

The first question we had to answer was whether the Ombudsman had the requisite jurisdiction under The Ombudsman Act, 1975, to investigate decisions of Boards of Education.

A consideration of the applicable provisions of The Education Act, 1974, and the relevant case law led to the conclusion that a Board of Education is neither a Board nor an agency of the Government of Ontario. Boards of Education are corporations composed of elected members who are paid by the Board itself. School Boards carry out their duties under The Education Act and, in particular, a

"Board may determine the number and kind of schools to be established and maintained, and the attendance area for each school".

The Education Act confers on Boards of Education wide powers which are given to them to be exercised in their own discretion notwithstanding the substantial funds that the Boards receive from the Province. Boards of Education are local Boards which are largely autonomous in their affairs.

Since the Essex County Board of Education is neither a Board nor an agency of the Government of Ontario, the Ombudsman does not have the authority to investigate any decision reached by it.

On February 25th, 1976, the Windsor Star reported that three trustees of the Essex County Board of Education changed their "yes" vote of April, 1975, to "no" as a result of the grant for capital costs from the Province being reduced to 77% from 95%. This raised the question as to whether the Ombudsman had the jurisdiction under The Ombudsman Act, 1975, to investigate the decision to reduce the capital cost grant.

Although the Ombudsman has the authority to investigate decisions made in the course of the administration of a Ministry of the Government of Ontario, including decisions made by the Minister of Education, the Ombudsman cannot investigate decisions of the Cabinet. This is so because s. 14(b) of The Ombudsman Act, 1975, provides that

"the Act does not apply to deliberations
and proceedings of the Executive Council or
any committee thereof."

After reviewing the relevant legislative provisions, we contacted the Ministry to ascertain whether the decision to reduce the capital cost grant for the school was a Cabinet decision or a Ministerial one. We were advised that the amount of the capital grant was reduced as a direct result of the enactment of Ontario Regulation 237/76 passed pursuant to s. 10(1) of The Education Act. The last mentioned section provides that, subject to the approval of the Lieutenant Governor in Council, the Minister of Education may make regulations in respect of schools established under the Act and with respect to other schools supported in whole or in part by public money.

Ontario Regulation 237/76 was approved by the Cabinet on March 17, 1976, and filed March 19, when it became effective. It appeared in the Ontario Gazette on April 3, 1976. By virtue of this regulation, the formula for computing the amount of grant for recognized extraordinary expenditures, into which category the French school would fall, was changed

from the formula as it had appeared in Ontario Regulation 244/75.

The change in formula was precipitated by the economic restraint program invoked by the Government of Ontario. The alteration of the formula, which was applicable not only to the French school in Essex County but to all recognized extraordinary expenditures in Ontario, resulted in a reduction in the capital cost grant to be paid from 95% to 77%. Since the regulation was approved by Cabinet by Order-in-Council #128/76 on March 17, 1976, the Ombudsman had no authority to investigate the decision to reduce the capital cost grant for the French school.

We sent a letter to the complainants explaining our lack of jurisdiction to assist them. All of our correspondence and personal interviews with the complainants were carried out in the French language.

(46) SUMMARY OF COMPLAINT

A teacher had made contributions to the Ontario Teacher's Superannuation Commission for a number of years. When he left the teaching profession, contributions of about \$1,000 were refunded to him.

In February of 1975, the Commission discovered that the complainant had been refunded \$150 too much in error and the Commission asked him to repay the \$150. The complainant did so, but the Commission then asked the complainant to pay an additional \$60 in interest charges. The complainant contacted our office as he felt that the request for the extra \$60 was unjust. The complainant also told us that the Chairman of the Commission said in a letter that if the interest charges were not paid, the Commission would undertake proceedings to garnishee his wages. The complainant was concerned that such an action would possibly damage his credit rating.

Our Investigator spoke with the Chairman of the Commission, who informed him that the complainant would have to repay the interest owing in accordance with a section of The Teacher's

Superannuation Act. We then reviewed the relevant legislation and concluded that the Commission had the right to collect interest on over-payments.

However, a mutually agreeable compromise was reached between the complainant and the Commission and a re-calculation of the interest due was made, computed from the date that the demand for repayment was made to the complainant (February 27th, 1975), instead of from the date that the overpayment was made (December, 1970).

(47) SUMMARY OF COMPLAINT

This complainant approached us during our private hearings in a northern Ontario town. Her complaint was on behalf of her son, who had suffered an accident at school in 1974. At that time her son was 17 years old and was in his fourth year of a building construction course. He was working with a bench saw, cutting pieces of wood for a project, when he accidentally lost parts of three fingers and badly damaged a fourth.

The complainant was aware that there was no negligence on the part of the school, the teachers, or the Board of Education, but she did not have any insurance to cover the loss of her son's fingers. She contended that there should be a mandatory insurance policy for students taking such shop courses.

We contacted Ministry officials and learned that the only insurance available is a policy purchased voluntarily by the parents. The School Board's public liability policy is only of benefit to an injured person if a teacher or the Board is negligent.

The only mandatory legislation requirement is that School Boards make provision for insuring their buildings and equipment as well as the Board and its employees against claims in respect of accidents. The School Boards are also authorized by legislation to provide contractual agreements with insurance companies whereby students and parents can purchase group accident insurance on a voluntary basis. This

policy provides for cash payment for losses, but there is no consideration given for the loss of future earning power due to injuries.

After our investigation, we decided that it was not reasonable to make insurance mandatory. However, we recommended to the Deputy Minister that a more comprehensive insurance policy should be made available to students, one which would provide compensation for injuries resulting in the loss of future earning power. We suggested to the Deputy Minister that officials of his Ministry meet with representatives of insurance companies to determine if such a policy could be arranged.

The Deputy Minister responded to our suggestion in a letter in which he stated:

"I have noted your recommendation and wish to advise that I have initiated steps to comply with the suggestion. I am sure you understand that matters of insurance, particularly in respect of the development of new kinds of policy, are not the sort of thing this Ministry has much knowledge of or experience in, but if a policy of the type you recommend is feasible, I have no objection to it being made available on a voluntary basis. My concern is that the premium would be prohibitively expensive if it was limited to only secondary school pupils so that it may prove to be necessary to involve representatives from the Ministry of Colleges and Universities in the discussions with a view to having the potential customers of such a policy include certain classes of post secondary students."

(48)

SUMMARY OF COMPLAINT

The complainant was a teacher who had been unable to obtain a permanent high school teachers' certificate from the Ministry because she was not a Canadian citizen. Although she was eligible for Canadian citizenship, she had not applied for it because she was unwilling to give up the citizenship of her country of birth. Without a permanent teachers' certificate

she could not secure employment with her local Board of Education and was forced to take a position at a school 125 miles from her home.

A member of our staff interviewed the complainant's lawyer and interviewed the complainant by telephone. It appeared that the complainant was well qualified to teach and that her family had suffered considerable hardship as a result of her inability to obtain permanent teachers' certificates.

The complainant contended that prior to emigrating to Canada, she had investigated teaching opportunities in several countries and had been told by Canada and Ontario immigration officials that she could easily qualify to teach in Canada and that there would be no adverse consequences to her retaining her original citizenship.

The complainant had taught for two years in order to qualify for her permanent certificate but it was not until she applied for her permanent certificate (on the recommendation of the Board of Education) that she learned that she was ineligible by virtue of Regulation 199 under The Education Act, 1974, as amended, which provides that in order to obtain a permanent teachers' certificate, an applicant born outside Canada must provide evidence that he or she is a Canadian citizen. The Deputy Minister of Education pointed out that it was possible for the complainant to apply for extensions of her interim teachers' certificates.

The complainant then filed a complaint with the Ontario Human Rights Commission as well as with our office. She was informed that in the Commission's view the Canadian citizenship requirement did not constitute a violation of the Ontario Human Rights Code because although it does create some hardship for non-Canadians, it applies only to certification and is not a condition of employment. Since a non-Canadian can hold an interim teaching certificate, the requirement does not preclude the employment of non-Canadians. The complaint was, however, referred to the Ontario Human Rights Commission Review Committee.

We found that Regulation 199 containing the citizenship requirement was authorized by Section 10(1) of The Education Act, 1974, which permits the Minister, subject to the approval of the Lieutenant Governor in Council, to make regulations in respect of schools or classes established under the Act and with respect to all other schools supported partly or wholly by public money, and also gives him authority over granting, suspending and cancelling of permanent, temporary, interim, special and other certificates of qualification and letters of standing."

An education officer in the Teacher Education and Certification Branch of the Ministry told us that the citizenship requirement is justified in that teachers should be committed to Canada and that in a time of high teacher unemployment it is fair to restrict permanent certificates and, therefore, access to certain jobs and promotions, to Canadian citizens.

While we were sympathetic to the hardship being caused to the complainant and her family by the citizenship requirement, we decided it would not be appropriate to recommend a change in the citizenship requirement and we therefore found the complaint not to be supported.

(49) SUMMARY OF COMPLAINT

The complainant in this case was an instructor of prospective teachers at a Teachers' College until he was suspended, without pay, and his teaching certificates were recalled, as the result of his guilty pleas to criminal charges in a United States Court. Subsequently, the Minister of Education dismissed the complainant from his employment in the public service.

At the time of the complainant's visit to our Office his appeal to the Public Service Grievance Board of his dismissal was still in process. However, one of our staff members was then informed by the complainant's Civil Service Association representative at the Grievance Board hearings that the

complainant had agreed to a compromise whereby he would submit his official resignation in order to bring the hearings to a close and to more quickly secure the reinstatement of his teaching certificates.

Copies of correspondence to the complainant from the Minister of Education indicated that the Minister had agreed to review the matter of the certificate suspension after the complainant's probationary period to the U.S. Court had been completed.

Subsequently, the complainant's probationary period was terminated early and the Minister, upon request, then reviewed the suspension of his teaching certificates. His most recent response had been that further consideration of the matter would await the Public Service Grievance Board's findings.

After our investigation, we decided to recommend to the Minister of Education that the matter of the reinstatement of the complainant's certificates be referred to the Certificate Review Advisory Committee for its consideration. This conclusion was reached on the grounds that it had been 3½ years since the complainant had been able to work in his profession, his probation had been terminated early, which indicated that the complainant had re-established himself satisfactorily, and the hearings of the Public Service Grievance Board had been terminated as the result of the complainant's official resignation.

The Minister, after considering our recommendation, requested the Certificate Review Advisory Committee to meet to consider the matter.

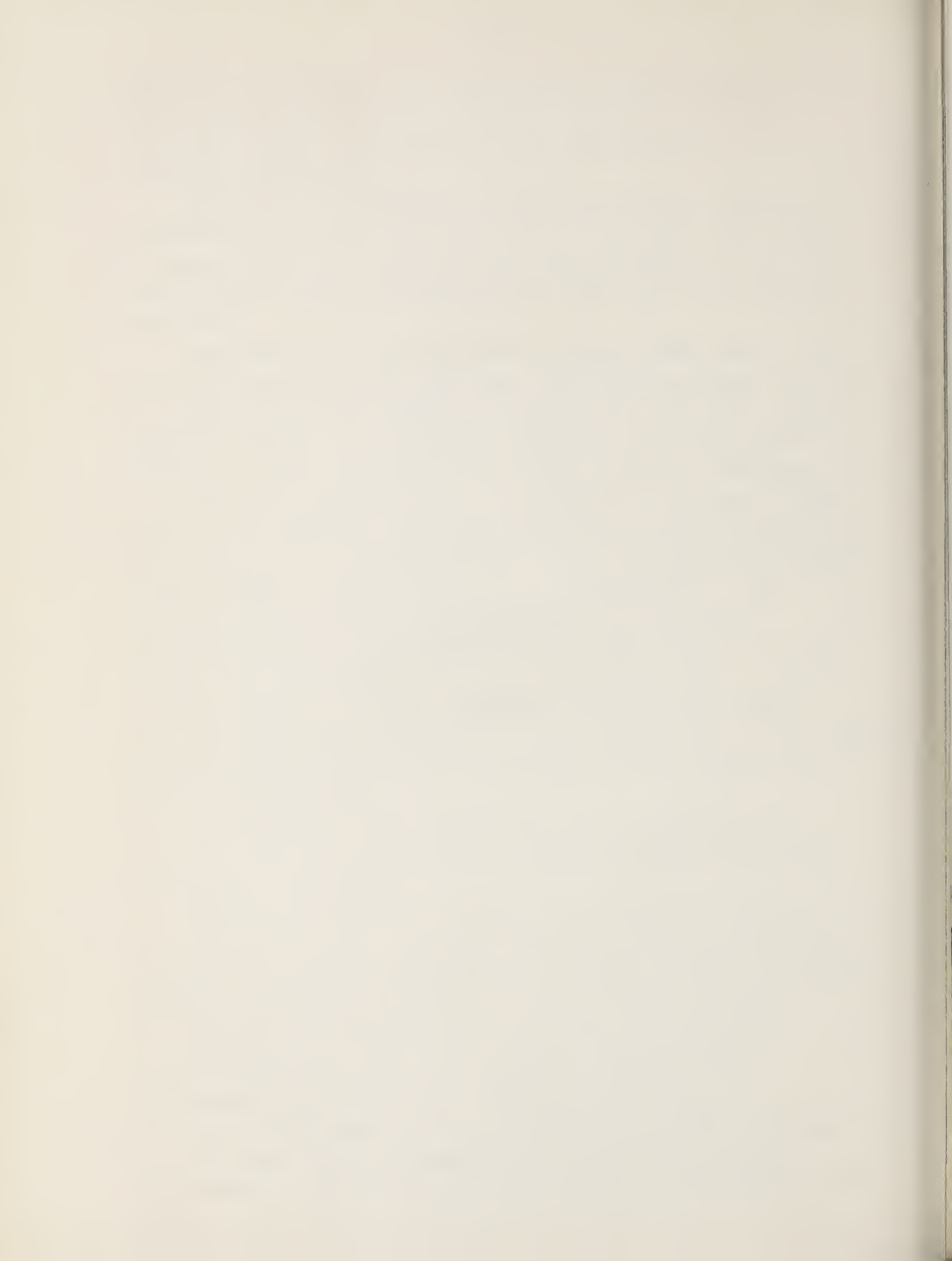
However, during later discussions with the Minister's Executive Assistant, we learned that the complainant had not attended the Advisory Committee's meeting and that he had not supplied all of the relevant information they requested.

We confirmed this fact in a conversation with the complainant and we advised him that we would no longer correspond with the Ministry concerning his case.

Due to the complainant's lack of co-operation with the Ministry, the Minister accepted the Committee's unanimous recommendation not to reinstate the complainant's teaching certificates.

MINISTRY OF

ENERGY



(50)

SUMMARY OF COMPLAINT

This complainant was interviewed regarding his complaint against Ontario Hydro at our hearings in a Northern Ontario city. His complaint was first brought to our attention by his M.P.P.

In 1923, the complainant's parents purchased about 160 acres of land located in the Township of Matheson, near Timmins. Moose Creek flows through the property and runs into Night Hawk Lake.

Until 1939, the complainant had no problem with the creek. But during the winter of 1939-40, the creek went dry and he had to abandon his existing water supply. Since that time, he alleged, the course of the creek had altered and had eroded his property causing considerable damage. This erosion coincided with the construction of the Frederick House River Dam, built by Ontario Hydro in 1939. The complainant contended that, as a result of the operation of this dam, the spring flowing into the Moose Creek bed had been eroding his cultivated land and that every spring the rushing waters washed away 1 to 4 feet of soil in different places on his land, resulting in the realignment of the bed. He also contended that the washed-out soil was deposited in the original creek location and this had created a swamp which became a breeding ground for mosquitoes and blackflies.

The complainant felt that the operation of the dam had altered the course and level of the creek and was responsible for the erosion of 2 to 4 acres of his property over the past 36 years. Consequently, he was seeking compensation from Ontario Hydro.

Our Investigator met with officials from Ontario Hydro to discuss the complainant's allegations. Hydro officials presented a comprehensive report which they had completed in 1974 in response to the complainant's allegations. The report concluded that after a thorough examination of the evidence the complainant's claim could not be substantiated for the following reasons:

- 1) The level of water in the complainant's creek and in Night Hawk Lake would be lower if there were no dams in existence to control the levels of these bodies of water;
- 2) Aerial photographs show Moose Creek to have been at about the same elevation, and within the same bank, over the years;
- 3) Aerial photographs indicated that there had not been a loss of shoreline due to erosion;
- 4) Aerial photographs indicated that Moose Creek had not changed its course over the years;
- 5) The erosion of the complainant's property was due to natural causes aggravated by the chemistry of the soil.

Arrangements were made by our Investigator to meet with several Hydro officials at the complainant's property. During this inspection, our Investigator found definite signs of erosion at a slope located near the bridge that carries a highway across Moose Creek. Soil samples were taken by the Investigator during the visit and sent on to the University of Guelph for chemical analysis. The results of the analysis indicated that the soil taken from the complainant's property varied from having a slight to moderately severe susceptibility to erosion.

We then contacted the District Manager of Natural Resources with regard to the complainant's concern. The Ministry official indicated that the erosion of the complainant's property was minimal. He added that no other residents in that area or along Night Hawk or Frederick House Lakes had complained of the effects of erosion to their property.

Our Investigator contacted the Engineering Services Branch of the Ministry of Natural Resources to obtain aerial photographs of the complainant's property, and to determine, through the use of engineering surveys, the topography of the area and the locations of Hydro's dam and the two dams it had superceded.

A representative of the Engineering Services Branch felt the operation of Ontario Hydro's dam may have contributed to the erosion of the complainant's property to some extent, due to the draw-down process which takes place yearly in the

waters controlled by the dam. However, he said that the existence of the dam must in part be beneficial to the complainant by maintaining water levels on Night Hawk Lake and on Moose Creek in the spring and summer, thereby backing up water in Moose Creek. This in turn reduced the velocity of the water in the creek and thereby impeded erosion of the complainant's property. He felt it was conceivable that the level of water in Night Hawk Lake would be lower in its natural state without the presence of Hydro's dam to control water levels.

A senior Ontario Hydro official informed our Investigator that, although Hydro did not feel responsible for the problems the complainant was experiencing, Hydro would be willing to pay the complainant \$550. This had been offered to him in 1964 and was deemed to be an acceptable settlement by the Ontario Farmer's Union. This was to cover compensation for land and for the cost of digging a new well. The official also said that Hydro would be willing to pay the complainant for the expenses he had incurred in pursuing his claim.

After a study of the aerial photographs of the area in question, the results of the soil tests conducted on the complainant's property, and a careful consideration of all the evidence, we concluded that the construction of the Hydro dam on Frederick House River had not appreciably accelerated the erosion of the complainant's property, and it had in many ways proved to be beneficial to the complainant.

We therefore found the complaint not to be supported.

The complainant was advised that he should accept the offer of settlement made to him by Ontario Hydro and he was also advised that he could make application, under The Shoreline Properties Assistance Act, 1973, for funds in the form of a low-interest loan to have repairs made to the banks of his property in an effort to halt further erosion.

(51)

SUMMARY OF COMPLAINT

This complaint was submitted to us on behalf of the complainant by her daughter. Both she and her brother informed us that in 1973 Ontario Hydro had installed a Hydro pole treated with pentachlorophenol near the site of their mother's well, and that in the autumn of 1974 their mother began experiencing problems with the water. It was their contention that Ontario Hydro was responsible for causing their mother's water supply to become unfit for consumption as a result of the treatment of the Hydro pole with pentachlorophenol. They were of the opinion that Ontario Hydro should compensate their mother for the cost of digging a new well.

In May, 1975, the complainant's son contacted Ontario Hydro with respect to this matter. Following an investigation by Ontario Hydro and the Ministry of the Environment, it was concluded that the problem with the water in the well was not caused by the pole treatment chemical.

Our Investigator contacted officials of the Ministry of the Environment and Ontario Hydro and learned that in August, 1975, the Ministry of the Environment was requested to investigate the complainant's grievance and advise Ontario Hydro of the outcome.

On two separate occasions, samples of the well water were forwarded for analysis to the Provincial Pesticide Residue Testing Laboratory of the Ontario Ministry of Agriculture and Food in Guelph and the water was found to contain 0.1 parts per billion of pentachlorophenol, the acceptable level being 1.0 parts per billion. However, the water was also found to contain an extremely high iron concentration - 12 parts per million, far above the acceptable level of .3 parts per million.

Upon receiving notification from our Office of our intention to investigate this matter, Ontario Hydro again contacted the Ministry of the Environment, which confirmed the results of the analysis of the well water. In June, 1976, our Investigator contacted a senior official of

the Ministry of the Environment with a view to determining the effects of 0.1 parts per billion concentration of pentachlorophenol in the water. The following month, we received a letter from the Chief of Environmental Health Services, Ministry of Health, which included a complete report regarding pentachlorophenol.

The report concluded that the concentration of pentachlorophenol found in the well did not constitute a health hazard. Following further discussion between our Investigator and an official of the Ministry of the Environment we were advised that, although pentachlorophenol is present in the water, it was not the cause of the contamination. The extremely high concentration of iron in the water appeared to be the over-riding problem and we concluded that the high iron concentration was not related to the installation of the Hydro Pole.

We concluded that the complainant's grievance against Ontario Hydro was not supported.

(52)

SUMMARY OF COMPLAINT

This complainant had a grievance against Ontario Hydro for refusing him employment in July, 1976. During the first week of July, 1976, the complainant's union, the International Association of Bridge, Structural and Ornamental Iron Workers, authorized him to begin employment with the Atomic Energy Plant in Pickering, Ontario. He was subsequently advised by Ontario Hydro that he would not be hired. The reasons for this decision were apparently based on confidential information relating to his employment with Ontario Hydro 10 years previously. The complainant felt that his conduct during his previous employment with Hydro was above reproach. Following the refusal by Ontario Hydro to hire him, the complainant complained to his union president. This led to a meeting with Hydro officials which resulted in an offer of employment. However, the complainant felt that he should be eligible for compensation benefits from Ontario Hydro for the loss of income during the period when he was refused employment at the

Pickering Atomic Energy Site.

Ontario Hydro was notified of our intention to investigate this complaint, and in January, 1977 we received a detailed report outlining Ontario Hydro's position. We learned that Hydro's refusal to hire the complainant resulted in a First Step Grievance Meeting between Hydro and the union in August, 1976. At that time, Hydro conceded that its refusal of employment based on a 10 year old performance appraisal was not fair and it offered to employ the complainant when the next opening for an Ironworker occurred. This offer was not immediately accepted by the complainant but, since the union did not proceed any further with the grievance, Hydro assumed that the settlement offer was acceptable to the union and later in August the complainant was offered employment in accordance with the settlement discussed at the First Step Grievance Meeting. Subsequently, Hydro was advised by the union that the complainant was not interested in employment with Ontario Hydro. The union did not proceed further with the matter of compensation through grievance to arbitration.

This matter was reviewed by our Director of Research who pointed out that Ontario Hydro had a Collective Agreement with the complainant's union and the Agreement provided for grievance and arbitration procedures. The matter of whether the complainant should have been eligible for compensation could have proceeded through grievance to arbitration, in which case Ontario Hydro would have had no option but to comply with an arbitrated settlement. But the union did not pursue this aspect of the complainant's grievance.

Section 18(1)(a) of The Ombudsman Act, 1975, stipulates that: if, in the course of the investigation of a complaint it appears "that under the law or existing administrative practice there is an adequate remedy for the complainant whether or not he has availed himself of it" the Ombudsman may refuse to investigate the matter further.

Inasmuch as the Collective Agreement between Ontario Hydro and the union provided for a grievance procedure and binding

arbitration, and since the union did not proceed to arbitration in the complainant's case, we decided not to further investigate the complaint against Ontario Hydro.

Our further involvement with this matter, would, we felt, be to ignore the procedures available under the Collective Agreement which the complainant, through his bargaining agent had agreed to.

The complainant was advised of our reasons for not investigating his complaint further and he was also advised that if he was of the view that his union did not adequately represent his interests in processing his grievance, he could file a complaint with the Labour Relations Board.

(53)

SUMMARY OF COMPLAINT

This complaint came to our attention during our private hearings in a Southern Ontario town.

The complainant had received a bill for \$1,531 from Ontario Hydro for services rendered when a church was moved seven miles to his farm.

Ontario Hydro had originally estimated that its bill would be \$600 for disconnecting hydro wires during the move. The complainant, a retired man with little income who had spent eight years assembling Ontario pioneer buildings on his farm, asked us to look into his problem with Hydro.

He explained to us that he had originally told Hydro officials that the estimate of the cost of their work during the move had to be as accurate as possible because all the expenses for his heritage farm project were being borne by himself.

The complainant also contended that Hydro personnel involved with the move were slow and inefficient. He felt that their poor work performance had contributed to the increased cost.

Although he had visited Hydro officials in June, nothing had been resolved at the time he brought his problem to us

in September.

Our Investigator discussed the situation with local Hydro officials, who said that they had intended to reach a compromise with the complainant concerning the bill, but that they had not yet contacted him to discuss the matter.

We arranged for the complainant to visit the officials, and, after the meeting, the complainant informed us that he and Ontario Hydro would split the difference between the original estimate and the invoiced amount and that this arrangement was satisfactory to him.

MINISTRY OF

THE ENVIRONMENT



(54)

SUMMARY OF COMPLAINT

In 1973, sewers were installed on the complainant's street. As a result, his plan to install a toilet and shower in his cellar could not be carried out because the trunk sewer in the middle of the road was approximately 7" above the elevation of the cellar floor.

Our Investigator contacted Ministry officials who said that the Ministry would provide a pumping unit at its expense provided that the installation and the operation of the unit would be at the complainant's expense. The price of the unit that they suggested be installed was \$401.25.

The Ministry also said that they would not prevent the complainant from installing a more expensive unit, but that the additional cost of such a unit would have to be borne by the complainant.

The complainant was advised to inform the Ministry when the installation was complete, and the Ministry would then obtain confirmation that the installation had been completed and would issue a cheque to the complainant in the amount of \$401.25.

(55)

SUMMARY OF COMPLAINT

The residents of a 60-home subdivision had suffered low water pressure and supply since 1971.

The residents had brought their problem to the attention of the Ministry in 1971, and the Ministry soon determined that the developer who had constructed the subdivision was responsible for repairing the substandard system. The Ministry then approached the developer and requested that he take action, but as of December, 1975, nothing had been done by the developer or the Township to improve the water supply.

The complainant, the President of the Homeowner's Association, felt that the Ministry could expedite the

improvements to the water system by compelling the developer to make the necessary repairs.

In December, 1975, we sent a letter to the Ministry notifying them of our intention to investigate this complaint.

In April, 1976, we received a copy of a letter from the Ministry to the members of the Homeowner's Association stating that the Ministry proposed to hold a meeting at which representatives of the Homeowner's Association, the developer, a local plumbing and heating firm, and officials from the Ministry would discuss proposed modifications to the existing water supply system.

As a result of the meeting held in May, 1976, the developer and the Township finally agreed to a precedent-setting arrangement under which both the developer and the Township would be responsible for alleviating the water problem.

In February, 1977, our Investigator contacted the new President of the Homeowner's Association and was pleased to learn that the water supply to the residents had increased considerably and that the pressure was good.

(56) SUMMARY OF COMPLAINT

This complainant was having difficulty in obtaining a payment of \$2,200 for an easement.

Our Investigator contacted a lawyer with the Ministry who said that there had been a mix up and that the Ministry had made a mistake when it had originally registered the easement. The lawyer was under the impression, however, that the complainant should have checked the contract himself before signing.

We suggested to the lawyer that every effort should be made by the Ministry's Legal Branch to straighten this complaint out and the lawyer told us that he would act immediately to rectify the error.

About two weeks later, the complainant contacted us again and said he felt that his problem was going to be settled very soon. He told us that he had been contacted by the Ministry's lawyer and that he had been assured that the problem would be solved within two weeks.

Within 10 days, the complainant received payment of \$2,200 from the Ministry.

MINISTRY OF

GOVERNMENT SERVICES

(57)

SUMMARY OF COMPLAINT

This complainant was a retired provincial employee who became re-employed on a "casual" basis with the Ontario Public Service.

As a re-employed provincial superannuate, the complainant found his earnings restricted in accordance with section 16 of The Public Service Superannuation Act by a formula which permitted him to earn only \$1,074.64 per quarter. Any excess earnings were to be deducted dollar-for-dollar from his pension. It was his contention that the formula contained in section 16 was too restrictive.

During our investigation, we learned that the Federal Government had recently implemented a legislative change whereby federal employees who were re-employed by the Federal Government on a casual basis following their retirement, were no longer subject to restrictions on their salaries. We also learned that other provinces, including Saskatchewan, Quebec and British Columbia, were either considering, or had already implemented legislative reform similar to that of the Federal Government. An actuary's report supplied by the Ministry of Government Services indicated that the cost of removing the restrictions of section 16 would be insignificant.

As a result of our investigation, we decided to recommend to the Minister that in the interest of fair and equitable treatment to re-employed provincial superannuates, a change was required in the legislation in order to eliminate all restrictions on their re-employment, except where the nature of their re-employment would be such that they would resume making contributions to the Public Service Superannuation Fund.

Subsequently, we were informed by the Executive Secretary of the Civil Service Commission that the Commission had agreed to recommend to the Management Board of Cabinet changes in The Public Service Superannuation Act as proposed by our Office.

However, to date these recommended changes have not come into effect.

(58)

SUMMARY OF COMPLAINT

This complainant had worked in an Ontario County Court Office as a court reporter since 1931. She wrote to us because she had been allowed only 22 years and 2 months of pensionable credit which she felt was unfair in view of her 45 years of consecutive service in the same office.

We determined that the complainant was hired by the local county as a secretary to the County Court Judge in 1931. In 1956 the county established a pension fund, and the complainant was under the impression that she could back-date her eligibility by making additional supplementary payments, which she did, paying 15% of her salary into the pension fund from 1956 until 1968.

When the Province of Ontario took over the administration of justice in 1968, over \$11,000 was transferred to the Superannuation Fund in respect of the complainant's municipal service. Nearly \$4,000 of that amount was the employer's contributions.

The Public Service Superannuation Fund established the complainant's credit date as January 1st, 1956, when the county established a pension fund. Thus, when she retires on March 1, 1978, after 47 years consecutive service with the County Court Office, she will receive only 22 years and 2 months of pensionable credit.

Our investigation revealed that the complainant had pursued her complaint with various government officials and Ministers. Her suggestion that she should get a refund, with interest, on the \$11,000. was also reviewed by the Superannuation Board which ruled against her because of "the extra liability assumed by the Public Superannuation Fund and of her enhanced benefit as a result of her transfer".

The Ministry told us that the extra payments made by

the then employees of the county were "for the purposes of increasing benefits under the Canadian Government Annuity Contract". They did not extend the pensionable service period. The Ministry also pointed out that while the amount transferred in respect of the complainant's municipal service was just over \$11,000, nearly \$4,000 was "employer's contributions which would not automatically be refundable to the employee even if such a course of action were in the complainant's best interest", which, the Ministry stated, was not the case.

Our Investigator then spoke with other officials who confirmed that the complainant could not buy back service before January 1st, 1956 and that neither the complainant nor the county had made any contribution in respect of prior service.

After examining the facts, we advised the complainant that the Canadian Government Annuity contract under which she made contributions from 1956 to 1962 did not provide for past service credit. The contributions were for the purpose of increasing benefits and had no relation to service prior to January 1st, 1956.

We advised the complainant of the total package of benefits available to her as of April 30th, 1976, and of a second series of available benefits if she were to retire in 1978, on her compulsory retirement date. It was pointed out that she would receive approximately \$750 a month at that time. We also informed the complainant that there was nothing further that could be accomplished which had not already been done and that we, therefore, could not pursue her complaint further.

(59)

SUMMARY OF COMPLAINT

The complainant, an Indian Land Claims Consultant, wrote to us in January, 1976 to seek our assistance in

obtaining a list by concession of lots which had been acquired by the Province of Ontario in a township. He had received no reply to his request to the Ministry prior to contacting our Office.

Our Investigator contacted the Ministry's Realty Services Branch and learned that there was some confusion about what information the complainant desired. We arranged for the complainant to mark out on a map the specific information he wanted and we then forwarded the map to the Realty Services Branch and it provided the complainant with the desired information.

The complainant also said that he was having a problem obtaining a book entitled "Indians of Ontario" published in 1943 by the Department of Lands and Forests.

We established that the book had long been out of print; however, we located a copy at the library of the Ministry of the Environment and supplied the complainant with a photostat copy of the book.

(60)

SUMMARY OF COMPLAINT

In August, 1974, the complainant made a verbal agreement to purchase a neighbouring 20-acre parcel of land from his neighbour. On the strength of the agreement, the complainant then entered into a verbal agreement with another neighbour for the exchange of farm goods and services in return for access to the neighbour's land.

Before the transaction had closed, however, the neighbouring owner was approached by Ministry of Government Services personnel and signed an offer to sell the same piece of property to the Ministry. The neighbour's understanding of the agreement with the Ministry was that she could change her mind within 30 days if she wished.

When she subsequently attempted to extricate herself from this contract with the Ministry in order to honour her earlier agreement with the complainant, the Ministry refused to allow her out of the contract. Ultimately, the neighbour signed another offer to sell the property at an increased price to the Ministry.

The complainant contended that he had lost anticipated profits from the timber on the land and that he had incurred legal expenses and out-of-pocket expenses as a result of the agreement entered into between the Ministry and his neighbour.

During our investigation, the neighbouring owner was contacted and she indicated that she also had a complaint against the Ministry as her transaction had not yet been completed. Thereafter, both complaints were investigated together. (For the sake of clarity, this additional complainant is referred to as "the second complainant.")

Our investigation indicated that an official from the Ministry had approached the second complainant and offered to purchase her property. The official had been advised that there was a verbal offer outstanding for the property, whereupon the official asked the owner if there had been any commitment in writing or if any money had changed hands. When the owner stated that there was neither a commitment in writing nor had there been an exchange of money, the official offered her a sum slightly higher than the figure she had agreed to with her neighbour and told her that she would get a "tax break" because the provincial government was acquiring her property.

She was also advised, she said, that the government would pay cash for her property and that she had one month in which to accept the offer.

Within 30 days of the date of the offer, the second complainant had written to the Ministry stating that she did not wish to close the transaction with the Ministry in view of her previous commitment to the complainant. Our investigation also revealed that it was, in fact, the Ministry which had 30 days in which to accept or reject the offer.

After several meetings with officials of the Ministry, tentative proposals and recommendations were discussed, and it was agreed that our investigator would obtain particulars upon which to base the amount of any proposed compensation to the complainant. Our Investigator subsequently obtained information about the complainant's legal costs and other expenses, and consulted with a representative of the Ministry of Agriculture and Food regarding the complainant's figures for the joint farming agreement entered into as a result of the complainant's anticipated purchase of his neighbour's property.

Our Investigator was able to agree with representatives of the Ministry to the amount of compensation that might be paid although no agreement was reached as to whether any compensation would actually be paid to the complainant.

At the time of our investigation, the Ministry had still not closed its transaction with the second complainant because conditions had been added to the second offer which she had signed making the agreement contingent on the absence of litigation between the parties for a certain period of time.

On May 19, 1976, we sent to the Deputy Minister a final report of our findings and we recommended that the Ministry pay the complainant the sum of \$1,318 for his losses and legal expenses, and that the Ministry complete the transaction with the second complainant, releasing her from the conditions which had formed part of her second agreement, and paying her interest at 6% per annum from the date of closing set out in the offer, December 1, 1975.

A long delay then ensued while the Ministry considered what course of action it would and could take with respect to the recommendations concerning the complainant. The recommendation concerning the second complainant was implemented.

In August, 1976, we received a letter from the Deputy Minister advising that he had sought the opinion of the Deputy Attorney-General as to the ability of a Ministry to make an ex-gratia payment in a circumstance such as this. He subsequently wrote to advise us that it was the opinion of the Deputy Attorney-General that there was no authority to permit the implementation of our recommendation.

The Deputy Attorney-General wrote to us in November, 1976, indicating that although, in his view, the wording of Section 22 of The Ombudsman Act was sufficient to entitle the Ombudsman to recommend the payment by the government of compensation even in circumstances where no legal liability could be demonstrated, no authorization existed to entitle a Ministry to implement such a recommendation.

In particular, the Deputy Attorney-General took the position that neither Section 12 of The Audit Act nor Section 23 of The Financial Administration Act authorizes direct implementation of such a recommendation. The Deputy Attorney-General also stated that he disagreed with the notion that direct implementation of such a recommendation is essential to the effective operation of the Ombudsman plan. The Deputy Attorney-General concluded that:

"Implementation of a recommendation to pay money compensation in cases where no legal liability arises, should follow consideration by the Legislature for the two reasons outlined above--the assessment of damages has occurred in the context of a non-adversary proceeding and appropriation of public revenues for such purpose should be on the basis of a Bill introduced in the Legislature for that purpose by the government."

(61) SUMMARY OF COMPLAINT

On Friday, December 5th, 1975, we received a request by telephone to investigate the decision that had been made to demolish the building at 999 Queen Street, West. This building was originally constructed in 1846. The request

came late Friday afternoon from a group known as the "Friends of 999" which was a group consisting of several Aldermen of the City of Toronto and a number of prominent public figures. The group had been formed to prevent the Ministry of Government Services from proceeding to demolish the building at 999 Queen Street, known as the John Howard Building.

That evening we contacted the Deputy Minister and advised him of the request that we had received. We suggested that the demolition of the building be postponed to enable our investigation to proceed. The Deputy Minister agreed with our request and directed that the demolition of the building should not continue before Tuesday, December 9th.

Our Director of Research met with a number of Aldermen and officials of the Ministry. As a result of meetings with officials from the Ministry, we learned that the decision to demolish the building had been reached by Cabinet, rather than the Ministry.

We confirmed that the decision to proceed with the demolition of the building had been a decision of the Ontario Cabinet. As a result of this information, we were compelled to advise the complainants that, as a result of section 14(b) of The Ombudsman Act, 1975, we lacked the requisite jurisdiction to proceed further with our investigation.

(62) SUMMARY OF COMPLAINT

The complainant is a senior officer in the Ministry of Correctional Services. He wrote to us complaining about the size of the arrears he was being asked to pay in order that he might claim 3 1/2 years of war service for superannuation purposes.

He stated that he joined the former Department of Reform Institutions on May 2, 1954. In 1965, he applied for and was accepted for a senior position in a municipal jail. He was therefore a municipal employee from January 27, 1965, until January 1, 1968, when all municipal jails were taken over by the Provincial Government. In December, 1974, as a result of

his application, he received notification of arrears of \$8067.92 to be paid by him if he wished to claim his 3 1/2 years of war service. The calculation was based on his salary at January 1, 1968, when he "most recently became a contributor" to the Public Service Superannuation Fund. The complainant contended that he should be deemed to have remained a Provincial employee during this period with the municipality and that his arrears should be based on his salary as of May 2, 1954. He cited examples of a number of employees who he claimed were given this privilege.

Our Office contacted the Chairman of the Public Service Superannuation Board. He said that during the complainant's period with the municipality, he was not a Provincial employee and that he "most recently became a contributor" to the fund on January 1, 1968. The Chairman provided confirmation of this viewpoint from the Civil Service Commission.

Our Investigator spent considerable time with Ministry officials and both from these conversations and from research into the complainant's files, he established that the complainant resigned voluntarily to take the municipal position and that he had actively sought it. Although the complainant contended that he was under Provincial jurisdiction when with the municipality and that he therefore effectively remained a Provincial employee, it was clear from discussions with the Assistant Deputy Minister, from a study of existing legislation, and from the complainant's file, that Provincial control over him was largely pro forma. Our Investigator also found persuasive evidence on the complainant's file that he was fully aware that he was giving up his status under The Public Service Superannuation Act when he joined the municipality.

Our Investigator also interviewed the individuals cited by the complainant as parallel cases and reviewed their files both at the Ministry and at the Superannuation Board. After this research, our Investigator found only three individuals who had been appointed to municipal service after Provincial service and who had remained contributors to the Public Service Superannuation Fund.

However, not one of these three had volunteered for municipal service but all had been sent to the municipality on the initiative of the Provincial Ministry. Moreover, all three were appointed to municipal service before April, 1962, and remained contributors to the Fund, whereas the complainant was appointed after the amendments to the legislation of April 18, 1962, were passed which prohibited such arrangements.

Finally, our Investigator consulted actuarial and annuity specialists whose opinions were that the purchase of 3 1/2 years of war service by the complainant for \$8067.92 would be a sound business investment.

Having considered the facts of the case, we supported the position of the Public Service Superannuation Board. We did not consider that the complainant had been treated unfairly and we so notified the complainant. Subsequently, the complainant wrote to us saying that he intended to make the purchase of the war service.

MINISTRY OF

HEALTH

(63)

SUMMARY OF COMPLAINT

This complainant wrote to us requesting our assistance in clarifying the circumstances of his daughter's death.

The complainant's daughter had been admitted to a psychiatric hospital. Her treatment at the hospital consisted of medication and Electro-Convulsive Therapy. About three months after her admission, while still a patient, she was found to be missing from the hospital and approximately a month later her body was found in a lake. No inquest was held.

The complainant stated that he had reported his daughter's case to the Ministry's Director of the Psychiatric Hospitals Branch and had asked the Director to answer some questions about his daughter's death. He said that more than a year had passed since he wrote to the Director and he had not received an answer. The complainant requested that we ask the Director or the hospital and staff doctors to answer his questions.

We contacted the Psychiatric Hospitals Branch and were provided with information from the Ministry's file. The information revealed that the complainant and the Director had corresponded with each other on several occasions.

The complainant's letters indicated that he was of the opinion that there was negligence on the part of the hospital employees and that the hospital was responsible for his daughter's death. He said that if his questions were not satisfactorily answered, he was thinking of taking legal action. In his replies, the Director stated that he had investigated the matter, that he did not find the hospital negligent in any way, and that the complainant could discuss the details of his daughter's treatment and her unfortunate death either with the hospital directly, or through legal counsel.

We wrote to the complainant asking whether he had obtained further information from the hospital and was satisfied or if he had sought legal counsel. A week later, the complainant wrote to us and said that he had decided to seek

legal counsel from the Ombudsman. The complainant was subsequently interviewed by one of our Investigators who explained the function of the Ombudsman and also pointed out that while the Ombudsman could investigate his daughter's hospitalization and the actions of the hospital's staff, the Ombudsman could not act as his lawyer.

Although the complainant had not contacted the hospital directly, he requested that we provide the Administrator or the doctor at the hospital with his list of questions and obtain the answers.

In the course of our investigation, and with a view to obtaining the answers to all the complainant's questions, our Investigator met with hospital officials and left them a list of the complainant's questions. The complainant was provided with answers to all his questions.

After a full investigation, we concluded that the hospital had not been negligent with respect to the complainant's daughter and we advised him of our conclusion.

(64)

SUMMARY OF COMPLAINT

The complainant's sister originally phoned our Office on a weekend and complained that she had been advised the previous day that her brother, who was a patient at the Queen Street Mental Health Centre in Toronto would be transferred to Penetanguishene on Monday morning because it was difficult for the Centre to control his behaviour. The sister was concerned that no crisis unit was available in the Centre to which he could be transferred temporarily and she objected to the fact that the only alternative was to move him to the Mental Health Centre at Penetanguishene.

We contacted the Mental Health Centre immediately and requested a delay in the transfer to give the family an opportunity to try to make other arrangements. The Mental Health Centre agreed to do this.

Other arrangements could not be made, however, and the patient remained at the Queen Street Mental Health Centre.

Almost two months later, we were again contacted by the complainant's sister and told that only a few hours notice had been given to the parents of the complainant the day before that he would be sent to Penetanguishene the following day.

We again immediately contacted the Mental Health Centre but were advised that the patient was already on his way to Penetanguishene. We then contacted the Director of the Psychiatric Hospitals Branch and advised him of the complainant's concerns. He agreed that a transfer to Penetanguishene was not necessarily the best solution for someone whose behaviour problems made it difficult for him to remain in the usual Mental Health Centre patient population.

He then arranged for the patient to be admitted to a nearby Mental Health Centre which had a crisis unit and he instructed officials to return the patient from Penetanguishene as soon as possible. The complainant's sister was advised of these results the same day and she contacted us two days later to say that her brother was to be returned from Penetanguishene that day to be admitted to a Mental Health Centre's crisis unit.

(65)

SUMMARY OF COMPLAINT

The complainant wrote to us from the Oak Ridge Division of the Mental Health Centre in Penetanguishene. He explained that he was having difficulty with other patients because they did not believe he was innocent of a criminal charge of which he had been found not guilty by reason of insanity. He felt that the patients had been threatening him by suggesting that he would be sent to the MAP (Motivation, Attitude and Participation) program. He said that he was afraid and wanted someone to come and talk with him.

Our Investigator met with the complainant and found that he had recently been found not guilty by reason of insanity

of a criminal charge and had, therefore, been committed to the Mental Health Centre on a Lieutenant-Governor's Warrant. She also learned that this verdict was under appeal.

He described his situation on the ward, where his peers considered his plea of innocence as incidental to his therapy program. He felt threatened by the whole situation and had fears of being kept in Oak Ridge. He was very suspicious of the motives of his doctor, who he reported was recording his conversations through a receiver hidden in his jacket.

Our Investigator could elicit no specific complaints and considered that the complainant might have been having difficulty in accepting his presence in a maximum-security psychiatric hospital and to adjusting to the peer interaction in the programs there. The Investigator explained the role of the Ombudsman to the complainant. He was also advised to discuss with his lawyer some concerns about his appeal of the court's verdict which had resulted in his committal.

About two months later, the complainant wrote to us again and was interviewed once more. He stated that he had been placed on a MAP (Motivation, Attitude and Participation) program and although he was not complaining about the program itself, nor was he disputing the reasons for him being placed in this program, he had apparently engaged in a verbal disagreement with a teacher and had been restrained.

He said a tight strap was placed around his waist and his wrists were cuffed to the waistband at his sides. He also reported rough treatment meted out to him by another patient in the course of his restraint. The complainant recounted a history of a medical disorder which, combined with the restraint, made his situation intolerable. He said he reported his distress to the teacher, who felt he was using this as an excuse to get out of restraints. Eventually, he obtained the attention of the attendant staff, who removed the restraints. The complainant stated that his parents visited him and were quite upset about the appearance of his hands after the restraints were removed.

Our Investigator contacted the complainant's father. He confirmed seeing his son in restraints which were, in his view, tied tightly enough to cut off the circulation in his hands. Following the removal of the restraints, he said his son's hands swelled to almost twice their normal size. The father assisted his son in contacting his lawyer, who in turn suggested bringing this matter to our attention.

Our Investigator noted that a complaint had not been made to the hospital authorities by either the complainant or his father. In conversation with them, their confidence about making such a complaint appeared to have been undermined by the complainant's fear that the tenuous acceptance of him by his peers would be further diminished by such action. We advised the complainant that we would raise this matter confidentially with the Medical Director.

The Medical Director subsequently sent a letter to our Office describing his discussion with the complainant, who had made it clear that he was not finding fault with the MAP (Motivation, Attitude and Participation) program but had, in fact, learned a great deal from the experience. He told the Medical Director, however, that he thought the restraints had been unnecessarily tight and forceful. However, he stated that he was by that time feeling quite well and cheerful and did not wish to take advantage of the Medical Director's offer to hold a more in-depth investigation.

The Medical Director pointed out that one of the major strengths of the programs in the social therapy unit was that the patients take such a high degree of responsibility for each other's welfare. But, he said, there was always the danger that certain patients might abuse these responsibilities. He explained that in most of the programs, the activities were carefully monitored by staff members. The Medical Director had spoken to the Chief Attendant about the dangers inherent in the MAP (Motivation, Attitude and Participation) program and felt that his staff would ensure that abuses did not occur.

(66)

SUMMARY OF COMPLAINT

The complainant, a lady who owned a small insulation company, brought a complaint to our attention relating to a bid which her company had submitted for an insulation contract for a new addition to a hospital. The complainant contended that there was a considerable delay in the start of the project resulting in her company losing over \$21,000.

Prior to bringing her complaint to our Office, the complainant had discussed her problem with several lawyers, with Ministry officials, and with her M.P.P.

Having reviewed the substance of her complaint, we notified the complainant that we viewed her complaint as essentially that of a sub-contractor, who, because of the delay in the commencement of the construction project and inflation, suffered substantial losses. We concluded by telling the complainant that we did not feel that her complaint was against a "governmental organization" within the meaning of The Ombudsman Act, 1975 and we therefore could not investigate her complaint.

The complainant attended our private hearing in her city and she requested that we reconsider our position in this matter and reopen our investigation. She now wished our Office to ascertain if the Ministry of Health had been in any way responsible for the construction delay.

Our Investigator spoke with officials of the principal contracting firm, the Administrator of the hospital, officials of the sub-contractor for whom the complainant's company worked, the complainant's solicitor, solicitors for construction companies involved, and several Ministry officials.

Our investigation revealed that the complainant had proceeded with the prosecution of a mechanic's lien action against the hospital, the general contractor and the sub-contractor. The action was settled for the sum of \$14,995.11 inclusive of costs. The complainant did not succeed in her claim of \$21,348.99 for damages for delay.

Our investigation also revealed that in August, 1972 the complainant had submitted a tender for the insulation contract. She was subsequently awarded the contract, however, as a result of delays, her company was not able to complete the insulation job until June, 1975, apparently through little or no fault of her company.

In November, 1972 the Deputy Minister authorized the hospital to sign the contract with the general contractor for the start of construction.

The hospital signed the contract in December, and excavation of the site commenced shortly thereafter. It was ascertained that the Government of Ontario provided grants totalling \$4.3 million of the overall approved costs of \$5.35 million.

The Ministry contended that the delay from August, 1972, to December, 1972, was not attributable to the Ministry. The Ministry informed us that the usual routine on hospital construction projects is that on receipt and opening of tenders, there is a further review by architects of any alternate prices requested in the tender documents and if prices are higher than expected, possibly the deletion or substitution of certain building components. After this review is complete and the contract price is determined, the hospitals submit a report to the Ministry. This report is reviewed by Ministry staff and a brief prepared for an internal committee which recommends approval of grants. On a major project, the committee's recommendation is referred to the Deputy Minister for his final approval.

The hospital's report reached the Ministry of Health on September 12th and the Ministry of Health's brief was prepared on September 18th, 1972. In the case of the hospital in question, there was an extra step involved as part of their grant was to come from The Health Resources Development Plan which is administered through a joint committee with the Ministry of Colleges and Universities.

After meeting with the Deputy Minister of Colleges and Universities, the Deputy Minister of Health authorized the preparation of approval letters dated November 23rd, 1972.

The Ministry, in response to our inquiry, indicated that the general contractor encountered delays during construction and this meant that there were other sub-contractors such as the complainant who had to wait some six to nine months before they could go on site. Our investigation revealed that the principal contractor spent the early part of 1973 removing bedrock from the site which accounted for some of the delay.

We also noted from our discussions with the complainant's solicitor that her company had failed to protect itself in respect of delay claims contractually and it further failed to protect itself by proceeding to complete the work according to the lump sum contract when it had numerous opportunities to refuse to do the work when price increases became apparent. Unfortunately, the loss to the complainant's company had a direct detrimental effect on the complainant and her husband who had personally guaranteed the company's indebtedness to the bank.

Having examined all the evidence we were of the opinion that, while sympathetic with the difficult financial situation that the complainant found herself in as a result of the hospital contract, we could not find any evidence to support or suggest that the Ministry of Health was responsible for any undue delay in the completion of the complainant's company's contract or for any part of the loss which the complainant's company incurred.

(67)

SUMMARY OF COMPLAINT

During the Ombudsman's private hearings in a Northern Ontario town, this complainant inquired about the regulations governing O.H.I.P. coverage for dependents who are temporarily residing outside of Canada. He told our Director of Investi-

tions that in September or October, 1975, he submitted a bill for \$78.49 incurred by his son at a hospital in Korea. The son is a Mormon Missionary who, after having spent over 20 years in Canada, had left for the United States in May, 1975 and in July, was posted to Korea. He was admitted to hospital in Korea in August, 1975, and discharged after one day. He was to return to Canada in April of 1977.

In a letter dated October 9, 1975, O.H.I.P. advised the complainant that "because O.H.I.P. regulations state that residency must be established in Ontario before a person is eligible under the Plan, Canadian Missionaries on assignment outside Canada are not eligible for enrolment in O.H.I.P." Accordingly, the claim for \$78.49 was rejected.

Our Director of Research studied The Health Insurance Act of Ontario, as well as the Income Tax Act of Canada, since the test of who is taxable is also based on residency. Missionaries are not specifically considered in either Health Insurance Act of Ontario or in the Regulations, and he concluded that the claim of each missionary must be considered on its own merits to determine whether the residency requirement is established. According to the complainant, his son had been sending income tax returns to the Federal Department of Revenue and, since that Department was taxing him as a resident, our Director of Research was of the view that the complainant's son should be dealt with consistently by both levels of government.

Our Director of Research subsequently wrote to the Ministry's Enrolment Branch asking for clarification of the residency requirement. The Ministry replied that for purposes of enrolment in O.H.I.P., missionaries moving from one assignment to another outside Canada are considered to have a principal place of residence other than in Ontario. Thus, the Plan has established a policy that a missionary returning to Ontario must either return to Ontario to resume permanent full-time residence here or be on a furlough of six months duration or longer to be eligible for enrolment in the Plan.

In May, 1976, we informed the Ministry of our intention to investigate this complaint.

Soon after Ministry officials contacted the complainant and, after an exchange of correspondence to obtain additional information, offered him a choice of arranging continuous coverage for his son or renewed coverage effective August 1, 1976. The Ministry also agreed to pay the previously disputed claim.

(68)

SUMMARY OF COMPLAINT

A patient in the Oak Ridge Division of the Mental Health Centre at Penetanguishene objected to having 24 patients in one room, approximately 40 feet by 20 feet, who ate, slept and also used a chemical toilet in the same room. He felt that this was an unsanitary practice and would probably contravene health regulations.

During a visit to Oak Ridge, our Investigator met with the complainant. He explained that he was then in a therapy program for about 20 psychotic patients which was located in one of the sun rooms - the large rooms which run along the ends of the ward blocks. He had no complaints about the program itself, only that two chemical toilets were in the room where the patients stayed together constantly (except when they left the room for three brief periods during the day). He pointed out that as all meals were served in the sun room as well, he felt the toilets could be removed at meal times.

Our Investigator discussed this situation with the Administrator and the Assistant Director of Nursing who agreed to look into the matter. They pointed out, however, that the "psychotic sun room" never operated with a large number of patients, but usually accommodated eight or ten patients. More often than not, it functioned with only four or five patients at a time. There were no regular toilet facilities off the sun room area, and the two chemical toilets had been fastened to floor rings to eliminate the possibility of their being picked up, thrown or overturned. It would be a cumbersome process to move them in and out of the room, hospital officials said.

A letter of reply to an inquiry by our Investigator revealed that the chemical toilets were in fact being removed from the sun room area three times a day while meals were being served.

In a letter to the complainant, we advised him that should he encounter a future problem relating to living conditions, he might consider bringing it to the attention of the Assistant Director of Nursing who had been particularly helpful in resolving his complaint.

We subsequently learned that a flush toilet was to be installed in the sun room used for the psychotic patient therapy program.

(69) SUMMARY OF COMPLAINT

This complainant was referred to our Office by his M.P.P.

The complaint concerned the treatment of the complainant's son, now deceased, at one of the Province's psychiatric hospitals. Approximately 3 months after the complainant's son was admitted to the hospital, he ran away from the hospital and committed suicide. The complainant alleged that his son had left the hospital unnoticed and that the hospital staff should have been watching him more closely. He also said that he believed that his son's doctor wanted to harm him personally by encouraging his son to go home on occasion, knowing that the son was a danger to himself and his parents.

It was his opinion that his son should have been kept in hospital in his pyjamas, and given Electro-Convulsive Therapy (E.C.T.). Instead, he said his son had been allowed to keep his own clothes and to leave the hospital and he was not given E.C.T.

During our investigation, an exhaustive review of the patient's hospital file was made and numerous hospital personnel were interviewed.

Interviews were also conducted with a psychiatrist from another psychiatric facility, a coroner, a police seargent and a relative of the complainant. In addition, several

interviews were held with the complainant.

Our investigation revealed that there was no evidence to support the complainant's allegations that his son's doctor wanted to harm him personally, or that his son was ever encouraged to go home, either by the doctor or any other staff member. His son was allowed to go home on a pass only once, and the complainant agreed to the issuing of the pass.

The son's treatment was administered by the multi-disciplinary team system and was based on the clinical judgment of the professional staff. Because his condition fluctuated, he was sometimes kept in pyjamas and sometimes allowed to wear his own clothes. His level of privileges included constant observation, close observation or escorted privileges. There was no evidence to show that he was ever allowed to leave the hospital unescorted. E.C.T. was not given as he was considered competent to decide about treatment and had refused it.

On the day of his suicide, he was on the level of escorted privileges. He was also on an unstructured program since he had refused to co-operate in the structured one.

We determined that the treatment the son had received was appropriate to his mental status as assessed by the professional staff. Furthermore, as there was no evidence to indicate that the son was ever encouraged to go home or leave the hospital unescorted, we determined that the complainant's allegations against the doctor and the hospital could not be substantiated.

However, we made a recommendation to the Ministry that the level of "escorted privileges" be reviewed by the hospital to determine what measures could be taken to ensure that a patient on escorted privileges does not leave the hospital unattended and to ensure that the patient's whereabouts are known by the staff at all times, particularly if the patient is not on a structured program.

In January, 1977, the Deputy Minister advised us that he had asked the Ministry officials to address themselves to our recommendation. Two weeks later the Deputy Minister told us that the hospital was reviewing the level of privileges

provided to patients and, when the appropriate mechanism had been developed and implemented, he would contact us again outlining the specifics of the hospital's supervision program. However, the Deputy Minister indicated that implementation of the program would present some difficulties.

"As an example, there are approximately 90 entrances from the in-patient areas of the hospital and supervision of this number of entrances, as a means of egress is extremely difficult on a continuing and constant basis, without excessive staff expenditures."

Based on that comment we made inquiries regarding the difficulty raised by the Deputy Minister. Our Investigator visited the hospital and spoke with the Administrator and two other hospital personnel.

We learned that in addition to the point raised by the Deputy Minister, the supervision of the entrances was further complicated by the fact that there is a tunnel connecting the various buildings on the hospital grounds and that patients can exit from anywhere. Not all the entrances were unlocked, but, they could potentially be unlocked and one of the difficulties lay with the variety of keys in use. Each staff member was provided with a set of three keys - a main key which opened most doors, a fire door key, and a "bit key". There were only six or eight doors in the hospital with old locks which could be opened by a "bit key". We also learned that the key problem was related to the fact that, on occasion, keys were lost and staff members did not always report such losses.

We then wrote to the Administrator in March, 1977, and drew his attention to our findings and suggested that perhaps the staff should be asked to return their keys when they left on vacation and sign for them upon their return from vacation as it appeared to us that the staff required closer supervision over their use of the keys. In addition we asked the Administrator to comment on whether the old locks could be replaced thereby eliminating the need for "bit keys" or, if it was possible to restrict the number of staff members carrying such keys.

A few days later, the Administrator, replied saying:

"I have for reply your letter...which was in connection with concerns for the supervision of patients at this facility, with respect to the number of entrances to the in-patient area.

The suggestions you have made are well taken and I wish to advise you that the old locks are in the process of being replaced, thus eliminating the need for "bit keys" on access doors.

I would further advise that steps have been taken to set up a system, whereby, all issued keys will be mustarded on a frequent and regular basis.

The work and new procedures outlined in the foregoing will, I am sure, ameliorate the problem."

(70)

SUMMARY OF COMPLAINT

A University student wrote to us concerning a misunderstanding he was having with O.H.I.P. The complainant felt that O.H.I.P. owed him a reimbursement under O.H.I.P.'s Premium Assistance Program.

The complainant said that he had written to O.H.I.P. on two occasions but had not received a reply. He asked us if we could clarify the situation.

Our Investigator contacted the Executive Assistant to the General Manager of O.H.I.P. The matter was quickly referred to O.H.I.P.'s Inquiry Services section which wrote to the complainant stating that it had no record of his application for premium assistance. O.H.I.P. also sent the complainant the proper forms to complete for premium assistance.

The student subsequently received premium assistance.

(71)

SUMMARY OF COMPLAINT

The complainant, a 36 year old Hungarian doctor, who fled his country in 1974, was referred to our office by a member of the Legislature.

The complainant felt that he had been unjustly dismissed from his position as a medical consultant (Physician 5) with the Ministry's Environmental Health Branch at a salary of \$26,670 a year. The complainant contended that his dismissal was the result of a controversial report he had written. The complainant's dismissal was the subject of discussion in the Legislature in April, 1976.

We began our investigation into the complainant's allegation immediately upon receipt of his complaint. However, as our investigation proceeded the complainant reapplied to the Public Service Grievance Board which held a hearing in October, 1976. The Board had previously declined to hear his grievance. We decided that we would postpone releasing our report to the complainant until after the Board had rendered its decision.

In November, 1976, the Public Service Grievance Board released a ten page report of the complainant's hearing which was held for "dismissal without just cause". The final two paragraphs of the Board's report stated:

"The Board heard no evidence to support the charge of coercion (by the Ministry). Moreover, it found the preliminary objection (by the Ministry) to be valid on the basis put forward and recounted at the beginning of this award. The Board therefore finds that it lacks jurisdiction and so dismisses the grievance."

(The Ministry protested that the Board lacked jurisdiction for three reasons, the main one being that the complainant had submitted an unequivocal written resignation dated March 19, 1976, to become effective April 30, 1976 and thus had ceased to be a Public Servant).

The complainant's Curriculum Vitae, which he sent to us with numerous other documents pertaining to his complaint, outlined his reason for leaving Hungary by stating, in part:

"Meanwhile due to pressure from high ranking political officials, the Hungarian authorities pressed criminal charges against him because several of his latest publications contained 'disturbing' contents and because allegedly these disturbing publications were alleged to have been published through the 'collusion' of the responsible publishers or (the complainant). Although the lower court condemned him, he was 'exonerated' and 'rehabilitated' by the higher court. Since, however, the state apparatus sabotaged the realization of the judgment of the higher court, (the complainant) was obliged to flee to Vienna. Through the intervention of a UNO Agency, the Federal Government brought (the complainant) to Canada."

During most of 1976, our Investigator maintained close contact with the complainant and our Investigator interviewed more than 15 Ministry employees, the majority of whom were former associates or colleagues of the complainant. Numerous additional inquiries were also made with individuals not connected with the Ministry.

Our investigation revealed that the complainant was offered a position as a "Medical Consultant, Environmental Health, (Physician 5)" on July 9, 1975. One of the prerequisites of a Physician 5 is "a licence to practise medicine in Ontario". A letter of proposed employment from the Ministry to the complainant dated July 9, 1975, stated:

"Because you are not yet registered with the Ontario Medical Association your appointment would be on a provisional basis until you are registered... if you accept this offer you will be appointed to the probationary staff of the Classified Civil Service. The probationary period is one year."

Seven months later, on February 9, 1976, the Ministry wrote the complainant, saying:

"We wish to correct an error in our letter of July 9, 1975, in which we offered you employment. We incorrectly stated that your appointment would be on a provisional basis until you 'registered with the Ontario Medical Association'. We should have stated 'registration with the College of Physicians and Surgeons of Ontario'. We bring this error to your attention so that you may seek counsel from your Supervisor and expedite your registration and removal from provisional status."

Our investigation revealed that a month later, by a memorandum dated March 19, 1976, the complainant advised the Ministry of his status by stating in part:

"I have been aware that I was not eligible for a licence according to the December 1, 1975 revision of the regulations of the College, as I have not yet completed an internship or residency program approved by the College."

The complainant told us he estimated it would take him several years of study in order for him to receive a licence to practise medicine in Ontario.

On March 22, 1976, the Ministry replied to the complainant by stating, in part:

"As discussed, our medical consultant and other physician positions require a licence to practise medicine in Ontario. In special situations, however, the College may evaluate the candidate's qualifications and grant registration on their special register. Apparently they consider you ineligible. We regret that we must, therefore consider you not qualified for any position in the Public Service. We understand that further discussion and explanation is taking place between yourself and your supervisor on the steps which we are now obliged to take."

On March 19, 1976, three days prior to the Ministry's letter, the complainant submitted his resignation to his Supervisor, stating that he had been awarded a United States Government grant to pursue studies in Toxicology leading to a Post Graduate degree. The complainant had asked to be relieved of his position effective April 30, 1976.

His employment with the Ministry ceased immediately; however the Ministry paid his salary until April 30, 1976, as the complainant had requested.

During the course of our investigation into the various allegations made by the complainant, he brought to our attention a document dated March 2, 1976 which appointed him as an Inspector under The Public Health Act for a period of one year effective February 28, 1976.

The complainant felt that this document guaranteed his future employment for at least another year. Our Investigator determined that a similar document had been given to all of the complainant's former colleagues and that its purpose was to serve mainly as a form of identification. In the complainant's former Branch alone, 38 other Ministry employees received the same document which gave them the authority to inspect industrial establishments, in the course of their duties under The Public Health Act.

We also reviewed two Assessment Reports written by the complainant's Supervisor and one by the Acting Director of the complainant's Branch.

The second and third assessments revealed that they did not consider the complainant to be making satisfactory progress while employed as a medical consultant. It was also brought to our attention that the Ministry considered both the complainant's written and verbal English to be often difficult to understand. His written "controversial" report of March 9, 1976, confirmed his difficulties in expressing himself in a satisfactory manner.

This report was the reason the complainant felt he had been unjustly dismissed. The complainant stated to our investigator that this report was only a draft; however, having reviewed numerous other documents relating to the complainant, we felt that the Ministry's criticism concerning his writing ability was not without foundation.

Our investigation also revealed a memo written on March 15, 1976, from the Acting Director of the complainant's Branch to his supervisor which dealt with the complainant's qualifications and his job performance. The memo stated in part:

"His claimed Hungarian qualifications include degrees in medicine and law and specialist qualifications in Criminal Psychology, Public Health and Social Medicine, Scientific Research, Forensic Medicine, Gynaecology and Pathology. From the work which he has done in this Branch, it is difficult to believe that he could have such a rich educational background.

"Having been given relatively straight forward topics to research in current literature he has responded either (1) by producing a simple bibliography without any indication that he had read or understood the material or (2) produced a list of disconnected statements which were only peripherally related to his topic and which gave no indication of logical thinking by the author."

Before finalizing our investigation, we requested that the Deputy Minister outline the Ministry's position. The Deputy Minister, responded by saying in part:

"Further to the inquiries which have been made regarding (the complainant) you suggested it would be helpful if this Ministry would formally state its position in connection with the termination of this gentleman's services.

"Whatever other arguments may be presented, the fact of the matter is that (the complainant's) appointment was made conditional on his ability to obtain the necessary qualifications to practise medicine in the Province of Ontario. He was not able to obtain the required licence and without this condition being met the appointment could not be sustained.

"We believe that the Ministry displayed an unusual degree of patience in awaiting fulfillment of this important condition, but as it failed to be met there was no alternative to the separation.

In February, 1977, we advised the complainant of the result of our investigation, including inquiries made on his behalf by our Investigator in an effort to assist him in finding gainful employment.

We decided that the primary reason the complainant's resignation was sought was because of his inability to become licenced by the Ontario College of Physicians and Surgeons and that his requested resignation was not based on the findings of his so-called "controversial report" which was made at approximately the same time.

We concluded our report to the complainant by stating that we could not accept his suggestion that he had been dealt with unfairly or unreasonably by the Ministry.

(72)

SUMMARY OF COMPLAINT

The complainant, on behalf of her husband, contacted us with a complaint against O.H.I.P., which had refused to pre-authorize payment for extraction of fourteen of the complainant's husband's teeth.

The complainant indicated that her husband had recently had his teeth removed in hospital and that they were facing a large medical bill. She indicated that they were not satisfied with the Ministry's refusal to grant authorization on the grounds that O.H.I.P. did not feel the operation was a "medical necessity".

Our Investigator gathered additional documentation concerning the complainant's problem and a review of the applicable legislation indicated that there was an appeal procedure available to the complainant's husband pursuant to Section 23(1) of The Health Insurance Act which states:

"Where there is a dispute regarding a decision by the General Manager that an insured person is not entitled to an insured service in a hospital, or a health facility because such service is not medically necessary, the General Manager upon receiving notice of such dispute shall refer the matter to the Medical Eligibility Committee."

We therefore advised the complainant that this aspect of her problem was premature and that she should request that the matter be referred to the Medical Eligibility Committee. The

complainant however, wished us to look into why the Ministry had not advised her husband that there was an appeal procedure available.

The Ministry responded to our letter of inquiry by stating in part:

"The purpose of the recent amendment to the Dental Benefit was to exclude extractions except in those situations in which two or more quadrants of the mouth are involved.

"The Minister did agree, however, that an appeal to the General Manager could be made for acceptance of extractions when it was agreed that the current state of health was such that for medical reasons hospitalization was mandatory.

"The case of (the complainant) was fully reviewed by our professional staff and in their opinion hospitalization was not required. We note that (the complainant) wishes to appeal this decision. We are therefore referring his matter to the Medical Eligibility Committee for consideration at their next meeting."

After the Medical Eligibility Committee had reviewed the file, it made a recommendation that no decision could be made until such time as medical evidence, such as chest x-rays and a chest consultation, concerning her husband's health, had been presented.

Our Investigator met with O.H.I.P.'s Director of Professional Services Monitoring Branch during which time the complainant's file was reviewed. The Director explained that the denial of preauthorization was based on the fact that O.H.I.P. officials did not consider the documentation sent by the complainant's dentist and physician to be sufficient to indicate that the extraction of teeth in a hospital setting was a "medical necessity".

We were provided with copies of O.H.I.P. Bulletins dated May 7, June 11 and November 2, 1976, which were sent to all dentists in the Province and which explained the subject of preauthorization. O.H.I.P. officials explained to us that preauthorization approvals are assessed by medical consultants in conjunction with the advice of a dental consultant and if there

are any particularly questionable applications, they are referred to the Director of Professional Services Branch.

Further inquiries by our Investigator revealed that the complainant's medical bill for her husband had been paid through the hospital when he was admitted in July, 1976, under the complainant's O.H.I.P. number, which was registered in her maiden name.

Further contact with the complainant revealed that she had not received the letter from the Medical Eligibility Committee instructing her to provide additional information pertaining to her husband's state of health, and we then provided her with a copy of the Ministry's letter. Our Investigator also ascertained that the complainant's husband was no longer living with the complainant and that she did not know where he could be contacted.

She indicated however, that as a matter of principle, she intended to provide the Committee with the information they had requested.

The General Manager of O.H.I.P. subsequently wrote to us and said, in part:

".....a referral is normally made to the Medical Eligibility Committee on receipt of a written notice of dispute of our decision by the patient. Although I didn't receive such a notice I was aware of the concern, and under the circumstances took the liberty of forwarding the file to the Committee for review.

"As a matter of interest, there was a significant volume of requests for coverage by dentists at the time of the amendment in our legislation relating to Dental Benefits, and some uncertainty by the dental profession as to the Medical Requirements for coverage. During this period in all cases when requests were questioned we have them separately reviewed by professional staff at our Head Office. Since then, the dentists have more definite criteria which has eliminated many of the requests."

We decided to terminate our investigation into the matter prior to the final decision by the Medical Eligibility Committee and we informed the complainant that the Ministry's actions appeared to us to have been proper and that we could find no evidence to indicate that the complainant had been dealt with unfairly or unreasonably.

(73) SUMMARY OF COMPLAINT

This complainant was experiencing a problem collecting money from O.H.I.P. for an operation she had undergone in Los Angeles, California.

The complainant was satisfied with O.H.I.P.'s 75% coverage of her hospital costs; however, of the \$7,000 remaining in surgical costs, O.H.I.P. had to date paid only \$1,000. The complainant had made several attempts, without success, to try to resolve this problem with O.H.I.P.

Our Investigator met with officials of the Ministry's Medical Claims Services Department at which time a thorough examination of the complainant's file was conducted. A step-by-step calculation of the fees charged by the doctors and the fees allowed in accordance with the Ontario Medical Association Fee Schedule revealed no evidence that the Ministry had in any way acted unfairly in their determination of the complainant's surgical expenses. It was determined that the Medical Claims Services Branch had acted in accordance with Regulation 323/72 under The Health Insurance Act, 1972, section 53(1)(b), in that O.H.I.P. payments for medical expenses are based on 90% of the O.M.A. Fee Schedule.

However, as a result of a medical report submitted by the complainant, it appeared to our Investigator that the operation might be considered an emergency and, therefore, the complainant would be eligible for 100% coverage of hospital costs rather than 75% coverage. This finding was brought to the attention of officials of the Hospital Claims Services Branch, who informed our Investigator that they did

not have a copy of the medical report on file but that they would obtain one and re-assess the hospital claim.

Upon re-assessment of the complainant's hospital claim, the officials agreed that she was eligible for 100% coverage of her hospital costs and that a cheque for \$2,076.85 would be sent to her.

(74)

SUMMARY OF COMPLAINT

This complainant wrote to us requesting our assistance with respect to his involuntary committal to a psychiatric hospital, his treatment there and problems involving his access to his daughter.

The complainant stated that he had attempted to remove his daughter from a public hospital, after a doctor at the hospital, whom he saw only once, approved his transfer to a psychiatric hospital under involuntary certification. The complainant also said, that the staff at the psychiatric hospital would not release him when the involuntary certificate had expired, and that the staff opened his mail and would not allow him to make a phone call. In addition, he alleged that a Children's Aid Society Worker would not inform him as to how his daughter was.

We determined that the complaints against the Children's Aid Society and the doctor fell outside our jurisdiction. With respect to those two complaints, we referred the complainant to the Children's Services Branch of the Ministry of Community and Social Services and to the Complaint Department of the College and Physicians and Surgeons.

Our investigator then contacted the Administrator of the psychiatric hospital and the complainant's attending physician regarding his treatment at the hospital. We learned that the complainant was no longer in hospital, having been discharged at the expiration of his involuntary certification. Our Investigator raised the question of the complainant's phone calls and mail and was told that there was no evidence

to indicate that restrictions were placed on his telephone privileges. However, the records did show that on one occasion he attempted to place a long distance call. It was pointed out that local phone calls are allowed because there is no charge for them, but that special arrangements must be made for long distance calls.

According to Section 19 of The Mental Health Act, the Officer in Charge, or any person acting under his authority, can examine the contents of a communication written by a patient and withhold the delivery of such communication where the Officer in Charge, or the person acting under his authority, has reasonable and probable cause to believe that the contents of the correspondence could prejudice the best interest of the patient.

In our contact with the attending physician, she said that she opened the complainant's letter "to protect his best interests". She was concerned because at the time, the patient was fighting for custody of his daughter and was writing letters daily to several people. She also said that she had explained to the complainant her reason for opening his letters, which had been mailed after she had read them.

An attempt to contact the complainant to advise him of the results of our investigation was unsuccessful. Our letter to him was returned to our office and we were unable to determine his whereabouts. The complainant had not, as of this report, contacted us again.

(75) SUMMARY OF COMPLAINT

This complainant attended our private hearings in a Northern Ontario town and said that he had inadvertently overpaid \$250 for O.H.I.P. coverage and was unable to obtain assistance from anyone to recover the money.

Until May, 1975, the complainant and his wife both worked in a paperproducts company. He was then able to obtain employment in another firm and that firm automatically began

making O.H.I.P. deductions. He was not aware that he was also being covered by deductions from his wife's pay cheque until there was a strike at his firm which lasted for five months. In making inquiries as to what precautions he might take to protect himself and his family against the possibility of medical expenses during the strike, he discovered that he was being covered through his wife's plan.

When the strike ended, his employer notified him that the company had maintained the O.H.I.P. coverage for the men on strike and he owed the firm \$132.

Although he notified the two employers concerning the double coverage as well as the Ministry's district office in Thunder Bay, his problem was not resolved.

Our Investigator contacted O.H.I.P.'s central records office and requested confirmation that the alleged overpayments had been made. An official confirmed that there had been, in fact, an overpayment for 13 months. We were advised that the complainant would be reimbursed.

Our Investigator contacted the complainant a few weeks later and he confirmed that he had been reimbursed \$306.

(76)

SUMMARY OF COMPLAINT

The complainant sought our help regarding his confinement and treatment in a psychiatric hospital in early 1976. The complainant felt that his confinement was unjust and that the treatment he received was detrimental to his health.

The complainant told us that he threw a mug against a wall at home one night out of frustration. At his family's request, two staff members from the psychiatric hospital's crisis intervention team came to see him and wanted him to go to a hospital, but he refused. A short time later, the police arrived and escorted him to a hospital. Once at the hospital, he was placed in pyjamas and given medication by injection. He felt that the medication was too strong and was afraid that he would stop breathing. He found out that he would not

get his clothes back for one week and he stated that he did not leave the ward for three weeks and did not leave the hospital for two and a half months.

Since his discharge, he had written to various people about his confinement and had also spoken to a lawyer, but he had received no positive response.

After a careful review of the complainant's hospital file and contact with Ministry officials we learned that the complainant was admitted to the hospital under involuntary certification, having been diagnosed as suffering from a psychotic illness, characterized by increased aggressiveness at home. He had refused to go to hospital voluntarily. On admission to the hospital, he was placed in pyjamas because he was extremely upset and unco-operative and had refused to do so himself. He was also given medication by injection to modify his verbal and physical aggressive behaviour towards hospital staff.

The information in his file also revealed that he remained on the ward for one week under close observation but that his clothes were returned to him within two days of his admission. One week after his admission, he was allowed off the ward when accompanied by staff. About a week and a half after his admission, he ran away from hospital and was brought back by the police the following day. Two weeks after his admission, his privileges were increased to a level which allowed him to go off the ward unaccompanied. Approximately two and a half weeks after his admission, he was granted a pass to go home for the day but at about the same time he ran away from the hospital again and was returned a week later.

His mental state was then reviewed, and he was assessed as no longer requiring hospitalization in the interest of his own safety and the safety of others. His involuntary patient status was therefore cancelled. The staff had hoped that he would co-operate and stay longer in the ward but he was discharged one month after his admission mainly because he persisted in requesting a discharge and also because he was unwilling to co-operate in the treatment program. He was

referred to the hospital's out-patient department for follow-up, but the staff had only had one contact with him and he persisted in refusing to take medication. He was terminated as an out-patient about a month following his discharge.

As a result of our investigation, we determined that the complainant's admission to hospital was carried out in accordance with The Mental Health Act and that his allegations regarding his mistreatment at the hospital could not be substantiated.

(77) SUMMARY OF COMPLAINT

This complainant wrote to us on behalf of his daughter concerning a problem he was having with O.H.I.P. regarding payment of a medical bill incurred by his daughter two years earlier while she was in Florida.

The complainant had incurred some difficulty in getting O.H.I.P. to pay for medical expenses totalling \$58.50 for use of an emergency room, fee for a physician and laboratory charges. He asked us to make inquiries with O.H.I.P. to have this bill paid.

Our Investigator met with the Executive Assistant to the General Manager of O.H.I.P. and learned that O.H.I.P. was not aware of the complainant's problem.

The Manager of Hospital Claims for O.H.I.P. contacted our Investigator who put him in contact with the complainant and shortly thereafter the Ministry paid the complainant \$45.15.

(78) SUMMARY OF COMPLAINT

This complaint was sent to us by a French-speaking resident of Northern Ontario.

The complainant's 54 year old husband had suffered a heart attack in April, 1975, which resulted in paralysis of his right side. In addition, he was unable to speak.

Originally, he was transferred from Iroquois Falls to the intensive care unit of a hospital in Timmins, but after his return home, his doctor suggested that he should have further treatment for his coronary condition as well as additional physiotherapy and speech therapy.

Such medical services were not available in Iroquois Falls, and the doctor recommended that the patient be transferred to Toronto as soon as a bed became available there.

His family, however, felt that he should be sent to Montreal where he not only had relatives but also where he would be assured of medical treatment from French-speaking doctors and nurses.

The Ministry, through O.H.I.P., was requested to supply ambulance service to transfer the patient to Rouyn, Quebec, from where he was to be flown to Montreal.

O.H.I.P. refused the request, and the family was forced to carry the patient in a car to Rouyn.

Upon arrival in Montreal, the man was taken by ambulance from the airport to a hospital. The ambulance cost the family \$60. and they requested our assistance in obtaining reimbursement.

Our Director of Rural, Agricultural and Municipal Services investigated the case and during his investigation, he contacted the man's doctor. The doctor pointed out that had his patient been transferred to Toronto as he originally suggested, the Ministry would have automatically paid for ambulance services, but the man did not speak or understand English and it was therefore more sensible to provide him with speech therapy in a French-speaking environment.

The doctor felt that his patient had been given a "raw deal" by O.H.I.P. and said the man's family should be reimbursed for the \$60 ambulance cost.

We then contacted O.H.I.P. officials who said that, based on the doctor's assessment, they would pay 75% of the ambulance costs.

(79)

SUMMARY OF COMPLAINT

On March 28, 1977, a member of the Legislature contacted our office concerning a complaint he had received from a constituent regarding a patient at a Toronto Psychiatric Hospital. Apparently, the patient was attempting to leave the hospital but was being prevented from doing so.

Our Investigator immediately visited the patient at the hospital, and he confirmed that he felt he did not require hospitalization or treatment and wished to leave.

He said that he had been in hospital in Montreal for treatment after a fall and that he had been visiting his mother in Toronto. While there, he said, the Montreal hospital contacted her by telegram and telephone to inform her that the complainant had left the hospital without permission. He told his mother to ignore the messages, however.

A few days later, two other relatives and two policemen arrived at his mother's apartment and he was taken against his will to a hospital for examination. After that examination, he was transferred to the psychiatric facility.

He understood that he was an involuntary patient, and also knew of his legal rights with regard to his involuntary certification. He said he would agree to an independent psychiatric assessment of his mental state if it was necessary for our investigation, but added that he would not want the assessment to conclude that he should remain at the hospital.

Our Investigator then interviewed the complainant's psychiatrist, who said the man had been admitted as an involuntary patient because he was threatening his family and also because of his suicidal tendencies.

The man's mother had telephoned the hospital four times since his admission asking that she be notified immediately if and when the hospital decided to release him.

The doctor said the man had not been a management problem in the Special Observation Unit, but added that he was not prepared to de-certify the man because of his suicidal tendencies, his psychotic nature, his unpredictable behaviour, and his mother's concern.

The doctor also said that the man had been admitted to the Montreal hospital for having attempted to commit suicide by jumping from the roof of a building but that he had left the hospital.

Our Investigator then met with the hospital administrator who said he was unaware of the patient's desire to leave. He said that when he hears of such cases, he usually requests a Review Board hearing under The Mental Health Act, and told us that he would do so in the complainant's case.

Since there existed an appeal procedure for the complainant that was still to be exercised, we concluded that, under The Ombudsman Act, 1975, we were precluded from carrying out a full investigation. Our Investigator spoke with the complainant and informed him that a review hearing to determine whether he should be decertified as an involuntary patient was being arranged. The M.P.P. was also notified of our findings.

A few days later, the complainant informed us that he had been released into his mother's custody on the understanding that he would take his medication and control his behaviour.



MINISTRY OF

HOUSING



(80)

SUMMARY OF COMPLAINT

The complainant in this case purchased a home in the summer of 1973 from the Ontario Housing Corporation. At the time of purchase, O.H.C. had agreed to do repairs as itemized by an Inspector, but the complainant indicated that although some of the repairs were done, the majority were not. He was particularly anxious that his roof be repaired as it leaked in several places.

Discussions between our Investigator and representatives of the Ministry revealed that the problem was a lack of communication and co-operation between the contractor and the complainant. A meeting was held between the complainant and representatives from the O.H.C. and the Corporation agreed that the complainant had a legitimate complaint.

The complainant subsequently contacted our Office and informed us that the work agreed upon had been completed and that the Corporation had fulfilled all of its obligations.

(81)

SUMMARY OF COMPLAINT

This complainant was referred to our Office by an M.P.P., on behalf of one of his constituents.

The complainant had applied for a grant under the Ontario Home Renewal Program. The complainant's house had burned down and she had purchased a new house which was moved to her lot, but as a result of a dispute with the constructor, the house had not been placed on its foundation. The municipality would not grant approval for the complainant to hook up water and hydro services until her house was placed on its proper foundation and the complainant could not afford to place the house on its foundation without a grant under the Home Renewal Program. She was, however, deemed ineligible for a grant under the Program, because she did not meet the occupancy requirement.

Our Investigator met with the Manager of Program Operations, Community Renewal Branch of the Ministry and was informed that according to Ontario Regulation 688/74 passed under The Housing Development Act, "dwelling unit" means a self-contained unit occupied as a principal residence by a family. Since the complainant did not occupy her home, she was not eligible for the grant.

We felt that while the Act and Regulation pertaining to this program worked a fair and just result in most cases, the strict application of the Regulation in the complainant's situation was oppressive.

After our investigation was completed, we recommended to the Minister that on the special facts of this case, he should advise the officials of the municipality responsible for administering the grant program that they forego the occupancy requirement in the complainant's case.

The Minister replied that the complainant's case had been reviewed and it had been concluded that an O.H.R.P. loan was not appropriate. Moreover, he expressed the concern that it would be most irresponsible for the Ministry to compel a participating municipality to contravene a provincially-created Regulation.

We addressed ourselves to the concerns expressed in the Minister's letter and stated that we appreciated his position and understood his reluctance to encourage the contravention of a provincially-created Regulation by a participating municipality by suggesting an exemption to the occupancy requirement in the complainant's case. We noted that no discretionary power existed in the Regulation to allow the Minister or a municipality to exercise a waiver in any circumstances. Although the municipality had acted correctly in making its decision to strictly comply with the requirements of the Regulation, we felt that this strict application of the Regulation had caused an oppressive result in the complainant's case.

We, therefore, recommended to the Ministry that consideration be given to amending Regulation 688/74 to

provide the Minister with discretion to waive the strict compliance of a requirement of the Regulation in certain extraordinary circumstances. This Ministerial discretion would be exercised only upon the application by an owner to the Minister for such relief.

In the alternative, we suggested that an amendment to Regulation 688/74 provide for such a discretion to be exercised by the municipality. This alternative proposal was made as a result of the Minister's concern that the Ontario Home Renewal Program was designed to provide for maximum municipal autonomy in decision making and minimum Provincial restrictions.

We also recommended that if either amendment was made to the Regulation, the discretion be exercised in the complainant's favour.

The Minister replied to our recommendation stating that it seemed to have much merit and that the appropriate Ministry staff had been instructed to take a close look at the need for and feasibility of such an amendment. When his staff had completed their review, he said he would notify us of his decision.

A report of the investigation, our recommendations and the Minister's response was made to the complainant and to the M.P.P.

(82)

SUMMARY OF COMPLAINT

The President of a local of the Canadian Union of Public Employees - the Provincial Union - on behalf of the complainant, sent a telegram to the Ombudsman requesting an investigation into the alleged abuse of government power by officials of the Ontario Housing Corporation concerning the complainant. The President of the Union local had made previous attempts to resolve the complainant's problem, but officials of the Ontario Housing Corporation would not accept his recommendations.

The complainant underwent an exploratory operation on a lung in early 1975. After a four month recuperative period, he attempted to return to work as a caretaker but was directed by officials of the O.H.C. to submit to a third medical examination which was to be performed by a doctor of the Health Services Branch of the Ministry, notwithstanding the fact that the complainant had already received two medical reports certifying that he was fit to return to work.

According to the President of the Union local, this was an infringement of the complainant's rights because there was no clause in the existing agreement between the O.H.C. and C.U.P.E. which stated that an employee must submit to a medical examination performed by a doctor from the Health Services Branch.

Our Investigator spoke with the President of the Union local who related that the complainant had modified his position and was willing to submit to another medical examination by an independent physician.

The Ministry's position was that the complainant originally had resigned due to ill health and that since he was being considered for rehiring, the Ministry wanted him to submit to a medical examination by a doctor from the Health Services Branch. The complainant's representative said, however, that the complainant had not signed any documents stating that he resigned and it was the complainant's position that he had not resigned.

At a later meeting, our Investigator met with several Ministry officials to discuss the main issues, which were:

- 1) Did the complainant resign in the fall of 1975?
- 2) What requirements had to be met before the Ontario Housing Corporation would allow the complainant to return to work?
- 3) If he was examined by a Ministry doctor and passed the examination, would he be paid from the fall of 1975 or from the time of his return to work?

With regard to issue #1, the Ministry's position was that the complainant had resigned in late 1975. He had

applied to the relevant insurance company and had indicated by written declaration that he was totally disabled and unfit for work. The complainant's position was that his application was not tantamount to a resignation.

With respect to issue #2, the Ministry's position was that the complainant had to undergo a medical examination by a doctor from the Health Services Branch. If he passed the examination, he would be rehired immediately.

Regarding issue #3, the Ministry said that the complainant would have to initiate the grievance mechanism to determine whether or not he would receive pay from the fall of 1975. It was the Ministry's position that if he was rehired, he would not automatically receive back pay. This was apparently contrary to the complainant's understanding of the Ministry's position.

We concluded that the complainant should undergo a medical examination by a doctor from the Health Services Branch on the understanding that if he passed this examination, he would be allowed to return to work immediately. We pointed out that since the complainant opposed receiving a "government" medical examination, we reached the conclusion with some reluctance and misgivings and solely on the basis of the special facts of the case.

Shortly thereafter, the complainant underwent the Ministry-required medical examination which was unfavourable to him.

In light of the doctor's findings, the Ministry felt that the complainant would be unable to fulfill the physical requirements of his previous position and therefore offered him a disability pension. The complainant accepted his pension.

(83)

SUMMARY OF COMPLAINT

The complainant, a resident of an Ontario Housing Corporation project contacted our Office with respect to a request for a transfer to another housing unit which had been denied.

The 44 year old complainant, who is confined to a wheelchair, said she wanted to live in an area where her relatives could give her assistance when she required it.

Our Investigator learned that in 1971 and 1972 the complainant had lived in one project, which is considered to be the best in Toronto for her since it is an adult-only project and is equipped with wheelchair facilities. While living in this project, the complainant requested an apartment on the 25th floor, but shortly thereafter, requested a transfer to a lower floor in the same building due to the noise and her nerves.

In June, 1973, she was transferred at her request to a senior citizens project in which she was living when she contacted us. Within a month, the complainant requested another transfer to a quieter building with good shopping facilities. She had requested a transfer to a project which does not have wheelchair facilities or better shopping. It appeared that the problem was that the complainant did not get along with the other tenants in the project in which she was living. The Ministry agreed to send a community worker to see the complainant and to determine what alternatives could be found.

In November, 1976, a Ministry staff member drove the complainant to a number of projects in Toronto. Upon returning to her apartment, the complainant made it quite clear that she did not find any of the projects she had visited suitable. However, she outlined what she expected in accommodation and what she would find acceptable:

- 1) a bachelor or one bedroom apartment
- 2) an apartment not higher than the 8th floor
- 3) must have a balcony and face west

- 4) building close to shopping plaza so that taxi fare should not exceed one dollar
- 5) location of building close to industrial and commercial firms as she may return to work
- 6) building should have 24 hour security
- 7) prefers adult building
- 8) lobby should have furniture
- 9) central or north central location
- 10) does not want 250 Davenport Road
- 11) would consider senior citizens building
- 12) does not want to locate near shopping plaza that has sidewalk displays of merchandize.

Our investigation revealed that the specific type of accommodation that the complainant sought did not exist in the O.H.C. inventory. After discussions with Ministry officials, we concluded that they had made every effort to try and assist the complainant, but unfortunately without success.

(84)

SUMMARY OF COMPLAINT

This complainant brought two problems to us concerning real estate development - the first dealt with the approval process for a plan of subdivision, which required an amendment to the official plan of the local municipality, and the second involved an attempt to receive a building permit from the Ministry in an area under development control.

The complaint was referred to our Legal Directorate where it was ascertained that in the subdivision approval process one of the considerations that the Ministry must have regard to is whether the plan of subdivision conformed to the official plan.

Since in this case the plan of subdivision did not conform to the official plan, the complainant was referred to section 17(3) of The Planning Act which allows an individual to propose an amendment to the official plan and initiate that amendment to the local council. If the local

council refuses the amendment or fails to propose the amendment within 30 days, then the applicant may request the Minister to refer the matter to the Ontario Municipal Board.

In our letter outlining these procedures to the complainant, we also noted that we needed additional information concerning his second complaint dealing with the issuance of a building permit and development control.

As a result of that request, we were able to obtain the complainant's consent to contact his lawyer and in discussions with him it was ascertained that the proposed development was under a zoning order placed by the Minister. The applicant had applied to the Ministry for an exemption, but the Ministry had turned down that application.

With this information we contacted the Manager of the Development Control Section of the Ministry. It became apparent that a recent amendment to The Planning Act provided the complainant with a new avenue of appeal.

An amendment to section 32 of The Planning Act and provided that an applicant might request the Minister to have the Ontario Municipal Board hold a hearing on an application for an exemption from a development freeze. The Ontario Municipal Board is required to hold the hearing and report the submissions and a recommendation to the Minister concerning the issuance of the exemption. Thereafter, the Minister considers the report of the Municipal Board and then in his discretion makes a final and binding decision.

The complainant and his lawyer were advised of the recent amendment to The Planning Act and the availability of the new avenue of appeal.

(85)

SUMMARY OF COMPLAINT

The complainant in this case felt that she was unjustly denied a loan and grant under the Ontario Home Renewal Program.

We contacted officials of the municipality concerned and as a result of our contact, the complainant re-submitted her application under the O.H.R.P., and was given approval for the amount of \$7,500, the maximum allowable under this program.

The municipality indicated that it had exhausted its funds for 1976-77, and that it appeared that the complainant would have to wait until the 1977-78, funds become available, approximately at the end of April, 1977.

(86)

SUMMARY OF COMPLAINT

This complainant feared eviction from her apartment for unpaid rent arrears. The complainant indicated that she did not agree with the calculation by O.H.C. as to the amount of rent owing. The complainant informed our Office that she had been unemployed since April of 1976, and had been informed that December 31, 1976, was the deadline for recovery of the rent arrears.

Our Investigator contacted the District Manager who stated that the complainant's rent had been constantly in arrears. The District Manager explained that they had been having problems getting the complainant to come in and make arrangements for repayment of the arrears.

Our Investigator visited the complainant and after a lengthy discussion, the complainant acknowledged a debt of \$379.00 being arrears of rent owing to the Ontario Housing Corporation. We, therefore, contacted the District Manager in order to keep the repayment schedule as minimal as possible in light of the complainant's unemployed status. A repayment schedule at a rate of \$32.00 per month, in addition to the monthly rent payable, was agreed to by the complainant and the Ontario Housing Corporation.

(87)

SUMMARY OF COMPLAINT

These complainants had complaints against the Ontario Mortgage Corporation, a real estate agent who had acted for them in the sale of their condominium unit to a third party, and the Brampton welfare office. The complaints arose after the purchaser of the condominium unit, a welfare recipient, defaulted on payments due to the Ontario Mortgage Corporation under the first mortgage held by it.

A member of our staff interviewed the complainants to clarify their complaints, and they were subsequently informed that we had no jurisdiction to deal with their complaints against the real estate agent and the Brampton welfare office. They were furnished with appropriate referrals for these non-jurisdictional complaints.

The purchaser of the condominium unit had assumed the Ontario Mortgage Corporation's first mortgage and the complainants had taken back a second mortgage. The purchaser soon defaulted and the Ontario Mortgage Corporation took foreclosure proceedings. In the course of the proceedings, the Ontario Mortgage Corporation paid an outstanding Ontario Hydro account of \$170.00. In order to acquire Ontario Mortgage Corporation's rights in the foreclosure proceedings, the complainants were required to pay the amount of the Ontario Hydro account in addition to the arrears on the mortgage. As well, another Ontario Hydro account of approximately \$150.00 remained unpaid.

The complainants contended that the Ontario Mortgage Corporation should have absorbed the entire Ontario Hydro account because it was unfair to hold them responsible for debts incurred by the purchaser. The complainants also contended that the Ontario Mortgage Corporation should have collected the Ontario Hydro account and the mortgage payments from the Brampton welfare office.

Our legal officer reviewed the terms of the mortgage, and confirmed with the complainants' lawyer the sequence

of events. We determined that the Ontario Mortgage Corporation had paid the Ontario Hydro account pursuant to a clause contained in the mortgage, and in order to prevent Ontario Hydro from acquiring a lien on the condominium unit pursuant to the provisions of The Public Utilities Act. In so doing, the complainants' interest as second mortgage had also been protected.

We concluded that the Ontario Mortgage Corporation had acted in accordance with the terms of the mortgage and ordinary mortgage practice in paying the outstanding Ontario Hydro account, and that the amount paid was properly recovered from the complainants in the foreclosure proceedings. Since the fact that the purchaser was a welfare recipient could not have been known to the Ontario Mortgage Corporation, it could not have been expected to attempt to recover either the mortgage payments of the Hydro account from the Brampton welfare office, even if it had been its obligation to do so, which it was not.

The complaint against the Ontario Mortgage Corporation was accordingly found to be unsupported.

MINISTRY OF

LABOUR

(88)

SUMMARY OF COMPLAINT

After 23 years' employment with a steel company, the complainant was discharged by the company as a result of an altercation. He filed a grievance alleging that he had been unjustly discharged. The grievance was processed through the grievance procedure and in due course it was submitted to a tripartite Board of Arbitration. The arbitration proceedings having been adjourned, a Notice of Application for Judicial Review was served when the hearings of the Board reconvened on September 15, 1973. The Application sought the removal of the Chairman of the Board. Having been served with the Application, the Chairman purported to dismiss the grievance on the grounds that the Company had produced a prima facie case.

On December 10, 1973, subsequent to the launching of the judicial review proceedings, a purported ruling of the Board of Arbitration was received at the Ontario Labour Management Arbitration Commission, dated November 16, 1973, and signed by the Chairman and the company representative on the Board. This ruling purported to adjourn the arbitration proceedings sine die, pending the disposition of the Application for Judicial Review by the Divisional Court. The Divisional Court heard the application on October 8th and 9th, 1974 at which time the Judge, speaking on behalf of the Court, issued an order of prohibition prohibiting the Chairman from continuing to act as Chairman of the Board of Arbitration.

Following the decision of the Divisional Court, the Union nominee wrote the company nominee for the purpose of having some other person appointed as Chairman of the Board. The company nominee expressed the opinion that he did not have the authority to proceed in this manner and in due course the Union nominee requested the then Minister of Labour to appoint a person who would act as Chairman of the Board of Arbitration. The Minister of Labour complied with the request and an appointment was made.

The differently constituted Board of Arbitration then convened a hearing on May 13th, 1975, however, at the commencement of the proceedings, representations were made to the Board by the company respecting the jurisdiction of the Board as then constituted to deal with the grievance. The Chairman and company nominee held that it would be untimely for the Board to make any findings on the authority of the Minister to appoint a second or alternate Chairman for the Board of Arbitration in view of the provisions of The Labour Relations Act and adjourned the hearing for the purpose of either or both of the parties requesting the Minister to refer to the Labour Relations Board a question in respect of his authority to make the appointment of the second or alternate Chairman. The "award" of the Board was delivered June 13th, 1975.

The complainant originally asked us to investigate his complaint against the steel company, however, he was advised that since the steel company was not a "governmental organization" within the meaning of The Ombudsman Act, 1975, the Ombudsman did not possess the requisite jurisdiction to investigate his complaint. However, the complainant was advised that we would attempt to ascertain the cause for the hold-up in the complainant's arbitration hearing in an effort to expedite the matter.

Our Director of Research obtained from the complainant's lawyer the necessary documentation. He studied the relevant provisions of The Labour Relations Act and considered them with the complainant's lawyer. Our Director of Research also interviewed the Executive Assistant to the Minister of Labour and the Executive Assistant to the Chairman of the Labour Relations Board. In the meantime, the complainant's lawyer formally requested the Minister of Labour to appoint a new Chairman for the Arbitration Board hearing.

It was ascertained that neither of the parties to the Arbitration Board hearing requested the Minister to appoint a Chairman pursuant to The Labour Relations Act until the recent request by the lawyer for the complainant. The

Minister could only make the appointment "upon the request of either party".

The lawyer was advised that, having received the request, the Minister of Labour could either (a) appoint a Chairman, (b) refuse to appoint, or (c) refer any question that may relate to the Minister's authority to make such an appointment to the Ontario Labour Relations Board, pursuant to The Labour Relations Act.

The complainant and his lawyer were advised that should they encounter any further problems with respect to the appointment of a properly constituted Board of Arbitration, they should contact our Office.

By letter dated April 27, 1977, the Director of the Ontario Labour Relations Board advised our Office that the Minister had appointed a new Chairman to arbitrate this case.

(89)

SUMMARY OF COMPLAINT

The complainant, an immigrant from Czechoslovakia, alleged that he had been the victim of discrimination at his former place of employment from which he had been asked to resign. Since his resignation, he had made some 60 applications for positions in his field and when he was unsuccessful in finding work, he began to suspect that his previous employer may have given him unfavourable references.

Although he had taken his complaint to the Ontario Human Rights Commission, he was under the impression that they had not taken his problem very seriously.

Our Investigator contacted a senior official of the Commission and also assisted the complainant with the preparation of his case to the Commission. Problems of jurisdiction developed when the Commission discovered that the company against which the complaint had been lodged had been incorporated under federal legislation and hence appeared to be beyond the purview of the Ontario Human

Rights Code. Steps were taken by an official of the Commission to present the case to the Fair Employment Practices Branch of Labour Canada. However, further inquiries by the Ontario Commission and Ottawa Headquarters indicated the Ontario Human Rights Commission could in fact proceed with its own investigation.

At the conclusion of the investigation, our Investigator met with the Conciliation Officer from the Commission who discussed the findings and conclusions of his investigation into the allegations of discrimination. The complainant indicated to both parties involved that he was satisfied that a thorough investigation had been conducted and if no adverse references had been found, he was satisfied to let his case rest.

However, in discussions with our Investigator, he requested a copy of the letter of reference supplied by his former employer to an employment consulting firm with whom he was registered. Our Investigator wrote a letter of request to his former employer who agreed to send an authorization to the consulting firm to release a copy of the letter of reference to the complainant.

This was done and she the complainant received a copy of the letter of reference.

(90)

SUMMARY OF COMPLAINT

This complaint was brought to our attention during a private hearing in Northern Ontario. The complainant alleged that the Ontario Human Rights Commission conducted an inadequate inquiry into his complaint against a private company. He contended that he was dismissed from the company because of his age.

The company is a nationwide distributor of products with sales regions across the country. When the company realized that freight rates were becoming an increasingly large portion of their cost factor, the company reorganized

its marketing procedure in those regions where large distances increased distribution costs. This reorganization caused the sales staff to be reduced. As a result, the complainant, who was employed for approximately 20 years with the company as a sales representative, was released while the two other individuals who worked in the same region remained with the company.

During the interview with a member of our staff, the complainant presented two issues:

- 1) He alleged that the Commission failed to require the production of certain documents and records that indicated that he was dismissed because of age; and,
- 2) He was disturbed that he did not receive a reply to one of his letters from the Commission.

After notifying the Ministry of Labour of our intention to investigate this matter, our Investigator discussed the issues with the Supervisor, Community Relations, Ontario Human Rights Commission and with a Commission lawyer. The evidence which they produced indicated that the Commission had acted in a responsible manner.

Our Investigator discussed the case with the Ontario Human Rights Officer who was assigned to the complainant's case and reviewed the data that the officer had acquired from the company during his investigation.

As a result of our investigation, we found that the Commission's material, including the Supervisor's Reports, the Divisional Sales Awards Standings for the three individuals concerned for the year ending May, 1974, indicated that the complainant's performance was less efficient than the performance of the two other individuals who remained with the company. In addition, we found that the majority of individuals who worked in the same division of the company that the complainant worked in, were over 40 years of age. Therefore, we concluded that he had not been dismissed due to his age.

With respect to allegations by the complainant that the Commission's Supervisor did not respond to one of his letters, we found that the Supervisor responded to two previous letters from the complainant concerning the same issue. The Supervisor set out in his last letter to the complainant the reasons for the Commission's decision and also pointed out in the same letter that no further action would be taken by the Commission.

Subsequently, the Chairman of the Ontario Human Rights Commission, the Deputy Minister of Labour and the complainant were notified of our conclusion that the complaint has been found to be unsupported.

(91)

SUMMARY OF COMPLAINT

This complainant was referred to us through the office of the Lieutenant Governor of Ontario, the Honourable Pauline McGibbon.

The complainant had been a recording secretary for a Board of Education. Her position was terminated on December 5th, 1975, as a result of her poor work performance, conflicts with supervisors and fellow-workers and disregard for normal supervision.

In November, 1975, as a result of alleged slow positioning to the permanent staff vis-a-vis the permanent positioning of a man in a comparable position, the complainant threatened to place a complaint with the Ontario Human Rights Commission, claiming sex discrimination.

Over a period of weeks, this threat was accompanied by abrasive encounters with her immediate supervisors, escalating disputes regarding work assignments, a personal grievance letter to the Board of Education (which was included in the Board's agenda material) without the knowledge of her immediate supervisors, and two days of absence due to illness.

In December, 1975, the Superintendent of Business recommended to the Director of Education that her services

be terminated due to the above mentioned instances plus 14 months of documented unsatisfactory work performance.

The Director of Education directed that the Supervisor's report be upheld, and that the services of the complainant be terminated.

That same week, the complainant approached the Ontario Human Rights Commission and alleged outrageous favouritism and sex discrimination on the Board's part.

Immediately following the placing of the complaint, a Human Rights Officer of the Commission interviewed the complainant and then telephoned her on two separate occasions to discuss the substance of his findings. In mid-December, 1975, attempts to make a personal appointment with the complainant were unsuccessful. In their conversations, the complainant felt that the Officer had prejudged her case, was a victim of the collusion of her supervisory officers, and was a biased investigator because he was male. In view of this, the complainant felt that further efforts were futile and no benefits would be derived from any further investigation.

In January, 1976, the complainant contacted our Office contending that the investigation of the Ontario Human Rights Commission was casual in nature and of poor quality. She said that as a result of her complaint to the Commission, she had been dismissed from her position.

The Human Rights Commission was contacted, and the officer who conducted the investigation was interviewed and the file reviewed.

Our Investigator took note of the fact that the complainant had been invited to the offices of the Commission, by letter and by telephone, in December, 1975, and in August, 1976. In both of these instances, the complainant refused to attend. When the Investigator asked the complainant why she did not respond to the three invitations of the officials of the Commission, she replied that her vacation plans in December disallowed a possibility of a meeting at that time. She also felt that the tone of the conversations

and the letter indicated to her that the Commission had prejudged her situation, and thus, she would not receive a fair hearing.

We concluded that the complainant had not availed herself of the assistance that had been offered to her by the Commission.

The complainant, the Chairman of the Ontario Human Rights Commission, and the Lieutenant Governor of Ontario were informed of the results of our investigation in which we found the complaint against the Commission to be unsupported.

(92) SUMMARY OF COMPLAINT

This complainant wrote our Office in February, 1976, concerning difficulties he had encountered with the Employment Standards Branch when attempting to collect wages owing to him by his former employer in Vancouver, for sales services rendered in Ottawa. His efforts in 1974 and 1975 to recover these wages through the Departments of Labour (Federal, Ontario and B.C.) and with the assistance of his M.P. and M.P.P. all had been to no avail.

The complainant told us that he had received statements issued by his former employer showing an unpaid balance owing to him of \$2,395.53, but all his requests for payment had gone unanswered and his lawyer's demands for payment had also been ignored.

The complainant had also asked the Labour Standards Branch of the British Columbia Department of Labour to bring action under the B.C. Payment of Wages Act and the Employment Standards Branch of the Ontario Ministry of Labour to obtain a judgment in Ontario Courts for him in which case it could be registered in the Province of British Columbia pursuant to The Reciprocal Enforcement of Judgments Act. However, the complainant's July, 1975, correspondence with the Ministry had gone unanswered.

In March, 1976, our Director of Research contacted the complainant as well as the Employment Standards Branch. He also discussed the matter with a lawyer from the Department

of Labour who explored the jurisdictional problem involved. Since the Ontario Ministry of Labour had no jurisdiction to serve subpoenas outside of Ontario, it had difficulty in getting the employer's records in British Columbia.

Our Director of Research suggested to the lawyer with the Department of Labour that the Employment Standards Branch could serve a notice to produce on the complainant's former employer who might voluntarily comply with it. In May, 1976, the Acting Assistant Administrator of the Employment Standards Branch advised us that the Branch had sent a letter to the complainant's former employer with a request for immediate response, but, since the company maintains no function other than a sales representative in Ontario, there was still a jurisdictional problem.

The Employment Standards Branch, not having received a reply to its communications with the complainant's former employer, issued a Director's Order to Pay pursuant to section 47(1)(c) of The Employment Standards Act and forwarded it to the complainant's employer in B.C. by registered mail late in May.

In July, 1976, the Acting Assistant Administrator of the Employment Standards Branch advised us that payment of the Order to Pay issued to the employer in British Columbia on behalf of the complainant had been received, but the Company had appealed the decision and the complainant, aware of the appeal, had agreed to testify on his own behalf. In January, 1977, we were advised that the appeal had been heard and, lacking any representation from the employer, the referee had upheld the Director's decision. A Ministry of Labour cheque in the amount of \$2,395.53 had been forwarded to the complainant on December 15, 1976.

Thus, through the efforts of the Ombudsman's Office, and the excellent co-operation of the Employment Standards Branch, the money owing this complainant by his former employer in Vancouver was paid in full.

(93)

SUMMARY OF COMPLAINT

In early 1976, an M.P.P. wrote to our Office asking us to help with a problem which was brought to his attention by four complainants. Prior to our involvement in this matter, the complainants had contacted the International Labour Organization of the United Nations, and a number of members of the Legislature.

In 1974, the Canadian Workers Union commenced organizing activities at a steel company. The union's organizing campaign was headed by three of the complainants. The fourth complainant was the National Chairman of the C.W.U.

The workers at the steel company were members of another union, but the C.W.U., which appeared to have the support of approximately 75% of the workers, wished to represent these workers as their collective bargaining agent.

In early 1975, the C.W.U. submitted its application for certification along with membership cards for 75% of the workers at the company. It requested a pre-hearing representation vote to determine whether it was entitled to represent employees of the company as bargaining agent. This request was approved by the Ontario Labour Relations Board and a vote was held. The Ontario Labour Relations Board directed the ballot box to be sealed pursuant to the relevant section of The Labour Relations Act.

Three of the complainants were then dismissed from employment by the company and they contended that their services were terminated due to union activities.

In late 1975, the complainants laid a complaint pursuant to section 79 of The Ontario Labour Relations Act alleging that the company had contravened the Act by dismissing the complainants for union activity. In an attempt to accelerate the hearings, the three complainants attempted to have their cases consolidated. However, the Labour Relations Board ruled that each case would be heard separately.

At the time of our investigation into this matter, only one of the complainants' cases had been heard. In light of this, the other two complainants contended that they were the victims of undue delay by the Board.

With respect to the C.W.U.'s application for certification, the following issue was investigated by our office:

- 1) A pre-hearing vote was held on April 11, 1975, to determine whether the Canadian Workers Union or another union was to represent the workers as a bargaining agent. The ballots were not counted immediately after the vote. Why?

With respect to the complainants' allegation under section 79 of The Ontario Labour Relations Act concerning unfair labour practices, our Investigator examined the following issues:

- 2) Whether the Ontario Labour Relations Board delayed in hearing the three complainants' cases.
- 3) Whether the Board heard the submission by three of the complainants that they would like to have their cases consolidated and the reason why the Board rejected the application for consolidation.
- 4) Under section 79(4)(a), the burden of proof is on the employer to show that he did not contravene The Labour Relations Act. Usually the one who has the onus of proving that he did not act contrary to the Act presents his argument first. This was not the case at one of the complainant's hearings. Why?

From a perusal of all the available data, we found that the complainants' contentions were not supported.

With respect to issue #1 regarding Certification, the documentation demonstrated that the ballot boxes were sealed and the ballots were not counted immediately after the 1975 pre-hearing vote because on an earlier date another union filed with the Board statements alleging, among other things, that the C.W.U. was not a bona fide trade union. In accordance with the Board's normal practice under The Labour Relations Act whenever such an allegation is made, the Board directed that the

ballot boxes be sealed and the ballots not counted until the parties had presented their evidence and had made submissions as to whether the C.W.U. had the required status under the Act.

After hearing the parties, the Board found the allegations to be unsupported and in January, 1976, the Ontario Labour Relations Board directed the Registrar of the Board to unseal the ballot boxes containing all the ballots cast during the course of the pre-hearing representation vote and to proceed with an immediate counting of the ballots. In a decision dated January 22, 1976, the Board certified the C.W.U. as the bargaining agent for a group of employees at the steel company.

Since the Section 79 complaints were still before the Board at the time of our investigation, our involvement with respect to these matters was, of necessity, limited.

With respect to issue #2, regarding the delay in the hearings, we noted that the complainant filed his charges with the Ontario Labour Relations Board on September 17 and 18, 1975. Tentative hearing dates were scheduled immediately for October 22 and 23, 1975. A Labour Relations Settlement Officer was appointed on September 22, 1975. It was felt that he should be given sufficient time to endeavour to effect a settlement pursuant to Section 79(2) of The Ontario Labour Relations Act and this was why the hearing date was scheduled for one month after his appointment.

Since the officer was unable to effect a settlement, the October 22 and 23, 1975, hearing dates were confirmed and the hearing did take place on these dates. Further hearings were held on 28 different dates from November, 1975, to August, 1976.

In all cases, the dates assigned were the earliest available dates (i.e. dates which had not already been scheduled and which all the members of the panel were available). It is important to realize that the Board Chairman and the two panel members who are assigned to a particular case must see that case to its end.

Further, available information indicated that of 93 similar cases dealt with by the Board between June 1, 1975,

and March 1, 1976, that required any hearings at all, 66 took no more than a day. Of the remainder, only one other case took more than 5 days. This indicated to us that perhaps the parties in this matter were not proceeding as expeditiously as might be expected.

In light of the above information, we concluded that the complainant's contention concerning delay by the Ontario Labour Relations Board was not supported.

With respect to issue #3, regarding consolidation of the cases, the steel company opposed the complainants' application. In opposing the application, the company stated that the circumstances and timing of the three discharges were different as well as the complainants' work records and reasons for discharge. With this in mind, the Board rejected the application for consolidation because it considered that hearing the three cases together could "embarrass" the company. We found no reason to recommend interfering with the exercise of the Board's discretion in this respect.

With regard to issue #4, although the burden of proof rests with the employer to demonstrate that he did not act contrary to the Act, after hearing argument on the issue as to who was to present his case first, the Board directed that one of the complainants proceed rather than the steel company. According to the Executive Assistant to the Chairman of the Board, the Board had no set policy with respect to this section of the Act at this time. The issue is usually settled with the parties ahead of time.

However, since the parties were unable to agree as to who should present their case first the Board decided that one of the complainants do so. This was because although it may be said that the reasons for a worker's dismissal are peculiarly within the knowledge of the steel company, it is the worker who is in a better position than the employer to testify as to the nature of the union activity.

With this in mind, we concluded that we could not say that the Board erred in directing one of the complainants to proceed first.

With regard to another issue, regarding whether two of the three complainants were forced to appear at the other's hearing, the evidence did not support this allegation. Two of the complainants intervened in the other complainant's case. As a result they were entitled to notice of every hearing concerning the latter's case. Since the two former complainants were not subpoenaed to appear at the latter's hearings, they were not required to appear.

We communicated our findings to the Deputy Minister of Labour, the four complainants (including the National Chairman of the C.W.U.) and the M.P.P. who had referred the case to us.

(94) SUMMARY OF COMPLAINT

The complainant, of East Indian heritage, was relieved of her position as a ward receptionist in a hospital. In her complaint to the Ontario Human Rights Commission, she claimed racial discrimination as the cause of her dismissal.

Following the Commission's investigation of her complaint, she came to our Office and claimed that the Commission's investigation was unsatisfactory and unfair. She also asked us to recommend that the reason for her dismissal - personality conflict - be removed from her employment record.

Our Investigator met with officials of the Commission to discuss the case and review the file.

The file revealed that over 20 witnesses had been interviewed and not one upheld the complainant's allegation of discrimination. The majority of witnesses interviewed indicated that the complainant was difficult to work with, and two who worked most closely with her threatened to resign unless she was relieved of her position. None of those interviewed, especially minority groups, East Indian or otherwise, had ever felt discriminated against, nor had they witnessed discrimination in this hospital. In addition, they had never heard the complainant mention that she had been discriminated against because of her race. Even the complainant's brother, an employee of the hospital, described

his sister as having a persistent trait of being unable to get along with people.

The Commission's file included the complainant's personnel record which indicated a long history of personality problems in the hospital dating back to the beginning of her employment, a year and a half previously.

Following the interviewing of witnesses by the Human Rights officers, conciliation was attempted, but the complainant refused to attend the meeting. Nevertheless, her requests were presented to those in attendance - supervisory officers of the Commission, and hospital personnel officials. The complainant had requested re-employment and a good reference, but these were refused by the hospital. Hospital officials said, however, that they would give a reference that would accentuate the positive aspects of the complainant's work, while still being honest and fair.

The complainant was unhappy with these results, but she refused to pursue the next avenue of appeal, a Board of Inquiry, because she did not want her case to be public.

In view of the overwhelming evidence in the file, it appeared to us that the Human Rights personnel acted with propriety and fairness. The complainant and the Chairman of the Ontario Human Rights Commission were informed of the results of our investigation.

(95)

SUMMARY OF COMPLAINT

The complainant's mother attended a private hearing in south-western Ontario conducted by our office and brought the plight of her 19-year-old daughter to our attention.

In October, 1976, the complainant accepted work with a firm in Toronto as a receptionist/typist at a weekly salary of \$160. Until the time of her resignation in January, 1977, she had not once received her full weekly pay cheque, but was given a partial amount with the promise that the balance would be paid within a few days. At the time of her resignation, the complainant calculated that the amount

owing her was \$685. Numerous attempts by the complainant and her mother to recover these monies had been unsuccessful.

In January, 1977, the complainant sought the assistance from the Employment Standards Branch of the Ministry of Labour. Subsequently, her mother accompanied her to the Ministry's office where they were informed by an official that the Branch had made inquiries on her behalf, but unfortunately a record of this contact had been lost. The complainant completed another claim form at that time and was advised to refer all further inquiries about her case to another individual at the Branch. Several days later when she telephoned the Ministry, the official whose name she had been given seemed to be unfamiliar with her problem.

A member of our staff contacted the complainant on March 11, 1977, to verify the facts presented by her mother and was informed that her former employer had requested that she visit his office later that day to obtain her money. She promised to advise us of the outcome of this meeting.

Five days later the complainant called us stating that she had indeed received a cheque for the appropriate amount, but had been requested not to cash it until March 15 as the funds would not be available until that time. When she attempted to cash the cheque on March 15, she was informed by the bank that there were insufficient funds in the account. Later that day her former employer contacted her requesting that she visit his office at 3:00 p.m. at which time he would give her a cash payment. She did so, but was told that he was out of the office but would return shortly. She waited until 5:00 p.m. only to find that he would not be returning after all and she was instructed to return the following day at 3:00 p.m. The complainant then informed the Employment Standards Branch of this development.

The complainant returned the next day at the time specified, waited for 1½ hours and then came to our office. While with a member of our staff, she telephoned the office of her former employer to inquire whether he had returned and was informed by the receptionist that an official of the Ministry of Labour was on the other line wishing to speak

with her. The complainant left the number of our office with the receptionist with the request that the Ministry official call her. Shortly thereafter, a call came from the official who was most irate to find that the complainant was in our office and, according to her, the official instructed her to leave at once. At this point, the complainant was totally confused, not knowing what to believe.

A member of our staff then spoke to the official of the Ministry to ascertain the status of her case and learned that arrangements had been made for the official to accompany the complainant to her former employer's office at 11:00 a.m. on Friday, March 18 in an attempt to recover her money. The complainant agreed to accompany the official and promised to inform us of the outcome of this meeting.

On Monday, March 21, the complainant called our staff member to confirm the meeting she had had with the Ministry official and her former employer who had signed a statement indicating that he would pay her by 2:00 p.m. that same day.

When she and the Ministry official returned to his office at 2:00 p.m. her former employer was not at the office and, in fact, had not returned by 3:30 p.m. Prior to calling us on March 21, the complainant once again telephoned her former employer and was told by the receptionist that her money was available, but that an official of the Ministry must sign a receipt before she could be paid. When the complainant telephoned the Ministry to request an official to accompany her to obtain her money, she learned that all senior staff were attending a seminar and were not expected to return to the office that day. At this point, the complainant called our office for further advice.

A member of our legal staff, having been apprised of the situation, called the Ministry to establish whether an official of the Ministry was available to speak with the complainant's former employer. A call was then placed by our legal officer to the complainant's former employer, who denied having made a request for a signed receipt by a Ministry official and stated that the money was available any time the complainant wished to claim it.

Later that afternoon the complainant visited our office to advise us that she had finally received her money.

(96)

SUMMARY OF COMPLAINT

The complainant was dismissed from her job without notice or statutory pay in lieu of notice. She then brought her complaint to the attention of the Employment Standards Branch of the Ministry of Labour. She was subsequently advised by them that her use of profanity at the time of her dismissal constituted misconduct and, therefore, under The Employment Standards Act, she was not entitled to any notice or pay in lieu of notice.

When we advised the Ministry of our intention to investigate, the Ministry said that it would re-investigate the matter as an appeal under Section 42(2) of The Employment Standards Act. Upon re-examination, the Ministry determined that since the complainant's swearing occurred after her dismissal, this would not constitute misconduct and since the allegations made by her employer of neglect of duty were not substantiated, the complainant was entitled to one week's pay in lieu of notice.

The employer subsequently forwarded a cheque in the appropriate amount to the complainant and she was advised by letter of the revised findings of the Employment Standards Branch.

"His claimed Hungarian qualifications include degrees in medicine and law and specialist qualifications in Criminal Psychology, Public Health and Social Medicine, Scientific Research, Forensic Medicine, Gynaecology and Pathology. From the work which he has done in this Branch, it is difficult to believe that he could have such a rich educational background.

"Having been given relatively straight forward topics to research in current literature he has responded either (1) by producing a simple bibliography without any indication that he had read or understood the material or (2) produced a list of disconnected statements which were only peripherally related to his topic and which gave no indication of logical thinking by the author."

Before finalizing our investigation, we requested that the Deputy Minister outline the Ministry's position. The Deputy Minister, responded by saying in part:

"Further to the inquiries which have been made regarding (the complainant) you suggested it would be helpful if this Ministry would formally state its position in connection with the termination of this gentleman's services.

"Whatever other arguments may be presented, the fact of the matter is that (the complainant's) appointment was made conditional on his ability to obtain the necessary qualifications to practise medicine in the Province of Ontario. He was not able to obtain the required licence and without this condition being met the appointment could not be sustained.

"We believe that the Ministry displayed an unusual degree of patience in awaiting fulfillment of this important condition, but as it failed to be met there was no alternative to the separation.

In February, 1977, we advised the complainant of the result of our investigation, including inquiries made on his behalf by our Investigator in an effort to assist him in finding gainful employment.

We decided that the primary reason the complainant's resignation was sought was because of his inability to become licenced by the Ontario College of Physicians and Surgeons and that his requested resignation was not based on the findings of his so-called "controversial report" which was made at approximately the same time.

We concluded our report to the complainant by stating that we could not accept his suggestion that he had been dealt with unfairly or unreasonably by the Ministry.

(72)

SUMMARY OF COMPLAINT

The complainant, on behalf of her husband, contacted us with a complaint against O.H.I.P., which had refused to pre-authorize payment for extraction of fourteen of the complainant's husband's teeth.

The complainant indicated that her husband had recently had his teeth removed in hospital and that they were facing a large medical bill. She indicated that they were not satisfied with the Ministry's refusal to grant authorization on the grounds that O.H.I.P. did not feel the operation was a "medical necessity".

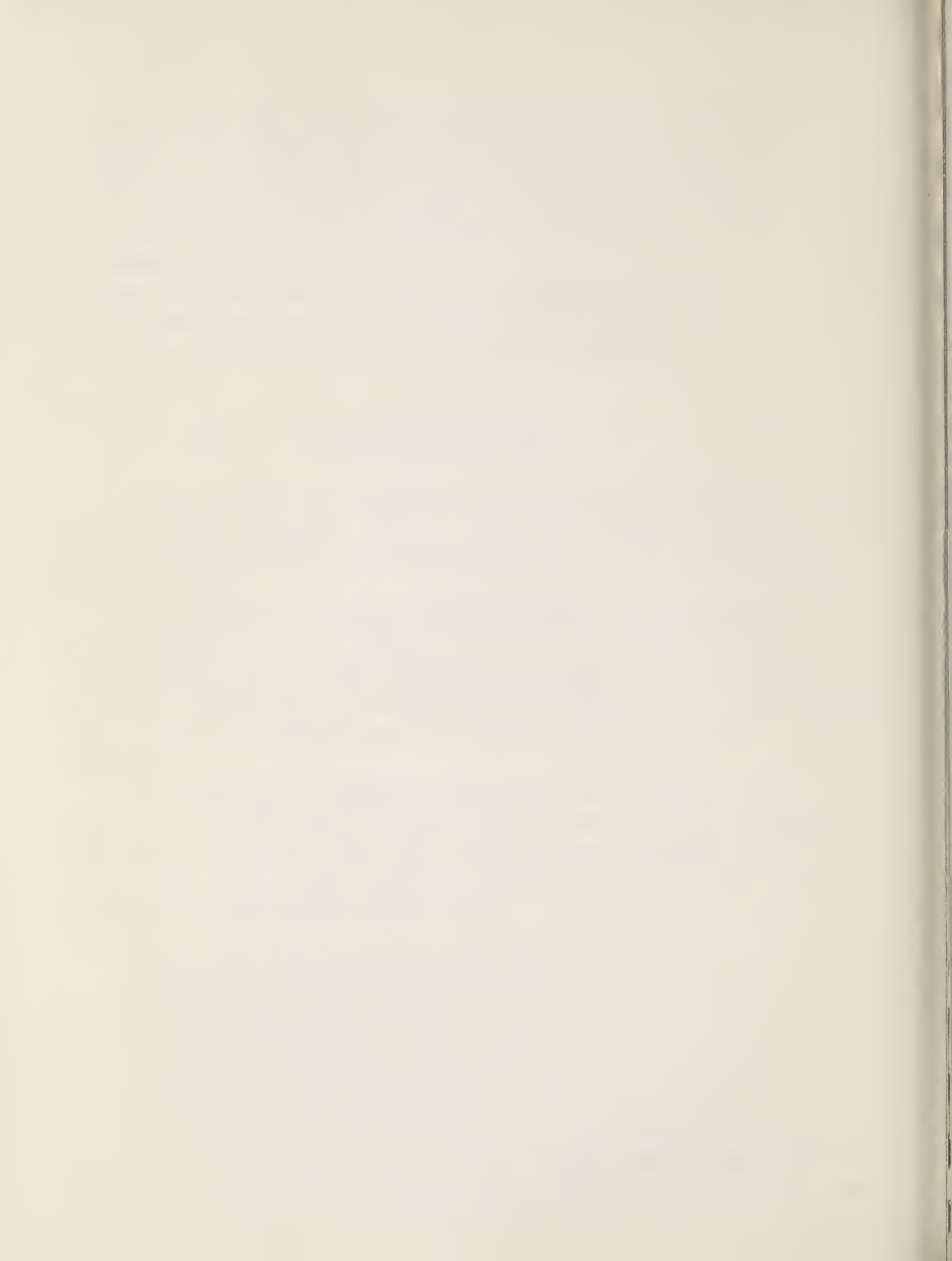
Our Investigator gathered additional documentation concerning the complainant's problem and a review of the applicable legislation indicated that there was an appeal procedure available to the complainant's husband pursuant to Section 23(1) of The Health Insurance Act which states:

"Where there is a dispute regarding a decision by the General Manager that an insured person is not entitled to an insured service in a hospital, or a health facility because such service is not medically necessary, the General Manager upon receiving notice of such dispute shall refer the matter to the Medical Eligibility Committee."

We therefore advised the complainant that this aspect of her problem was premature and that she should request that the matter be referred to the Medical Eligibility Committee. The

MINISTRY OF

NATURAL RESOURCES



(97)

SUMMARY OF COMPLAINT

In 1960, the complainant purchased a number of lots from a private individual. This property was adjacent to Crown land and in 1962 she built a cottage on what she believed to be her property.

In 1965, the then Department of Lands and Forests resurveyed this site because a field inspection indicated the possibility of the cottage sitting on Crown land. The Ministry's survey confirmed that the cottage was located on Crown land. When this was discovered in 1966, the Ministry offered to sell or lease to her the property on which the cottage was located, provided that she arrange and pay for the necessary survey. In 1976, 10 years later, the complainant had still not taken any action to acquire legal possession of the property. As a result, the Ministry notified her that unless she made arrangements to purchase the property the cottage would be removed. The complainant then came to us.

The Ministry agreed to extend its notice of eviction until the completion of our investigation.

The complainant's allegation was that the Ministry's survey had moved the original survey lines between the lots, which resulted in the cottage being located 250 feet southwest of the line between her lot and the Crown's lot.

We determined that the only way to establish whether the survey lines had been tampered with was to retain an independent surveyor to study all the surveys that had ever been done in this area, including the Ministry's most recent survey.

After reviewing and studying the field notes and plans forwarded to him by our Office, the independent surveyor reported that the line between the complainant's lot and the Crown lot in question was in the same location as in the original Township survey of 1861.

As a result, we could not fault the Ministry, which agreed to sell the complainant the one-acre site on which her cottage sat under the terms of its original offer. We advised the complainant of our conclusion and suggested to her that she should purchase the property from the Ministry.

(98)

SUMMARY OF COMPLAINT

We received three similar complaints relating to a proposed issuance of a gravel pit licence in a Regional Municipality by the Ministry of Natural Resources. The complainants, all members of a village ratepayers association, complained that the then Minister of Natural Resources, the Honourable Leo Bernier, had announced on November 28, 1975 that he would issue a licence to a local gravel company for the operation of a gravel pit near the residences of the complainants, contrary to a recommendation made by the Ontario Municipal Board on October 30, 1975.

Our investigation revealed that the Minister had decided not to follow the Ontario Municipal Board's recommendation which stated that the application for a gravel pit licence was premature at the time and that the granting would not be in the best public interest.

Under The Pits and Quarries Control Act, 1972, the Minister has 30 days to render his decision. His decision which was announced on November 28, 1975, was to issue a licence subject to terms and conditions which would take into account the concerns of the residents as well as the local city concerned.

In December, 1975 and January, 1976, three meetings took place between officials of the Ministry of Natural Resources and the regional municipality.

Our Director of Rural, Agricultural and Municipal Services, our Director of Research and an Investigator visited the ratepayers to view the proposed gravel pit site and discuss the situation with them. At this meeting the various proposed terms and conditions, which at that time were slated to form part of the terms and conditions which would accompany the Minister's approval of the licence, were also discussed.

Certain other problem areas were raised by the ratepayers at the meeting, including the phasing of the operation, progressive rehabilitation of the land, the monitoring of the ground water table and other anticipated ecological problems.

Meanwhile, the Minister agreed that he would not issue the licence until such time as the final terms and conditions had been worked out between his Ministry and the regional municipality and also until such time as we had finalized our report.

Upon completion of our investigation, we submitted an 18-page report to the complainants that addressed itself to the various arguments advanced by the complainants against the position taken by the Minister of Natural Resources. Our report stated that, after anxious and careful consideration, we concluded that we could find no grounds upon which to make a recommendation respecting the ratepayers' complaint.

We indicated that we were satisfied that the Ministry and the regional municipality had made an honest and sincere effort to arrive at conditions that would accompany the licence which were designed to minimize the effects of the gravel operation as much as possible. We also indicated that we had arrived at our conclusion in the belief that the Ministry would ensure that the conditions relating to the issuance of the licence were complied with, and that we would be prepared to take any necessary action should this prove not to be the case.

(99) SUMMARY OF COMPLAINT

A complaint was received by our Office in August, 1975, on behalf of a group of about 20 people who suffered losses as a result of flooding of the Ottawa River in the spring of 1974. The affected summer residences were located along the Ottawa River. The letter was written in French and was sent to the Director of Rural, Agricultural and Municipal Services who is also responsible for problems relating to Francophones.

The complaint was submitted by a qualified appraiser who had been appointed by the group of concerned citizens to represent them. Subsequently, the group met with our Director of Rural, Agricultural and Municipal Services during our private hearings in Ottawa on March 12, 1976, and presented material in support of their complaint.

A related complaint was received from a cottage owners association (about 20 property owners) both by letter and through our personal interviews in L'Orignal on March 27, 1976. These complainants had also suffered flooding damage on their properties.

An additional complaint was received from an individual who had suffered damage to his property in Rockland as well as loss of business at his animal care hospital there.

Since all of these complaints concerned the same problem, they were all reviewed at the same time.

The property owners claimed that their properties, some residences and other cottages were heavily damaged in the spring of 1974 when the waters of the Ottawa River rose to four feet above the spring high water mark. They claimed that the flooding was caused by Hydro Quebec, which, not allowing for spring breakup, stored too much water during the winter months.

The Ottawa Rivers Water Powers Act, 1943, provides for an agreement between Quebec and Ontario whereby the Province of Ontario must pay for damages caused by Hydro Quebec and recover the damages from the Province of Quebec.

We learned that in August, 1975, a task force had been set up to undertake a study of the recurring problems of erosion and flooding in the area and to review claims analysis and responsibility for damages. The task force was made up of representatives of the Ministry of Natural Resources, the Ministry of Energy and Ontario Hydro. The report of the task force was submitted to the Cabinet Committee on Resources Development for consideration and was subsequently considered by Cabinet itself.

By reason of Cabinet's involvement, the Ombudsman was precluded from any consideration of the case.

The complainants were advised by our Office that the matter was outside our jurisdiction. However, we were able to advise them that we had been assured by officials of the Ministry of Natural Resources that, as soon as a decision was reached by Cabinet concerning implementation of the task force's recommendation, they would be advised accordingly.

Throughout this investigation, we carried out all of our correspondence and personal interviews with the complainants in the French language.

(100) SUMMARY OF COMPLAINT

Approximately 150 commercial fishermen representing several different commercial fishing associations on Lake Erie sought our assistance in July, 1976, through two M.P.P.'s and two private citizens.

The commercial fishermen's request for assistance from our Office involved a number of factors that had to be investigated and, in turn, necessitated our examining social, economic and ecological considerations.

The complaints from the fishermen were as follows:

- 1) the economic situation that the fishermen feared as a result of the Ministry of Natural Resources' implementation of an 8-inch minimum length restriction on the catch of yellow perch in Lake Erie;
- 2) alleged unfair action and harassment by conservation and wildlife officers;
- 3) the difference of opinion with the Ministry concerning the pickerel quota in Lake Erie;
- 4) requests for reimbursement for equipment as a result of the Ministry's announcement to enforce the 8-inch minimum length restriction on perch.

We undertook investigation of this case with the knowledge that the conclusions we arrived at would to some degree affect commercial fishing in other Ontario lakes. Our findings, then, could have far-reaching effects on the continuation of certain species of

fish and on the manner or control implemented in harvesting them as well as on the livelihood of the commercial fishermen themselves.

In May, 1975, commercial fishing for yellow pickerel (walleye) and white bass over 10½ inches long was stopped because of the .05 parts per million level of mercury contained in the fish in Lake Erie. The intensity of fishing for perch thus increased with a growing proportion of the catch measuring less than the 8-inch minimum length. Efforts to enforce this minimum length were frustrated and this led to a further lack of compliance by the fishermen with respect to other regulations (ie. the mercury ban). The result was that by 1975 many fishermen and fish packers were actually engaged in an industry based on sub-legal size perch. At this point, it became clear to many commercial fishermen, the Minister, and biologists that perch stocks were on the verge of an entire collapse.

Historically, Lake Erie has always been a significant producer of commercially important fish with a high lake-wide annual production. Despite this relatively consistent production, many changes have taken place within the fish population. The general trend is moving away from commercially more valuable species towards less valuable species such as smelt and yellow perch.

Both United States and Canadian scientists, ecologists and biologists are currently studying the apparent ecological deterioration of the lake. For example, raw sewage from the Detroit River, the disappearance and destruction of streams feeding the lake which are required by certain species to spawn, the steady increase in nutrients applied to the lake together with toxic pollutants and biocides, and agricultural, industrial and population waste flowing into the drainage basin itself are slowly causing concern for commercial fishing in the future.

During July, 1976, a member of our legal staff and two Investigators visited the three main fishing associations and held group meetings in an attempt to obtain a total view of the problems presented by the fishermen. We attempted to establish

the number of commercial fishing licences held, the number of years each fisherman had been in business and to understand the economic situation of the individual fisherman.

At the same time, our Investigators gathered and studied resource material from many different sources. Reports were obtained on meetings such as the 1971 Symposium on Salmonid Communities and Oligotrophic Lakes, the United States Report on Lake Erie, Yellow Perch Workshop, held in Sandusky, Ohio on January 22, 1974, and the Report from the Lake Erie Technical Committee on Yellow Perch.

In August, 1976, our Office held a meeting with the Kingsville Fishermen Association in Kingsville and we later interviewed conservation officers in the same area. By September, 1976, we were able to make two main observations:

- 1) the fishermen were unofficially told in the fall of 1975 and early 1976 that the 8-inch minimum length restriction for perch would be strictly enforced for the upcoming year;
- 2) the quota set by the Ministry for pickerel was low because fishermen were incorrectly reporting their pickerel catch.

Upon completion of our investigation, we held two separate meetings with representatives of the Commercial Branch of the Ministry to informally discuss some of our proposed ideas. Upon the conclusion of the two meetings with Ministry officials, we held informal discussions with representatives of the Ontario Council of Commercial Fishermen in January, 1977 to obtain their views on our findings and proposed recommendations. In February, 1977, we held a final meeting with the Assistant Deputy Minister to discuss our proposed recommendations. We concluded after these meetings that our findings and proposed recommendations were feasible and satisfactory to all concerned and on March 3, 1977, the Minister of Natural Resources received our recommendations.

Our recommendations were as follows:

- 1) The Ministry, together with the various fishing associations on Lake Erie, should pursue its present endeavours to foster improved and increasing dialogue to ensure a common understanding of biological principles and social and economic problems. Increased communication

between both parties would decrease misunderstandings between the fishermen and the Ministry. This increased communication should also involve feedback information to the fishermen with respect to the results of various studies conducted on the perch community by the Ministry. The planning workshop sessions held in the Southwestern Region were an excellent example of this.

- 2) The 8-inch minimum length restriction placed on yellow perch by the Ministry should remain in effect, and this limit should be subject to variation depending upon the specific requirement as assessed by the Ministry of Natural Resources. This 8-inch limit is an attempt by the Ministry to gain time for the perch community to replenish its almost depleted stock and increase in individual size. This will assist in preserving a basic resource owned by the public and in time will permit commercial fishermen to again resume normal harvesting.
- 3) The Ministry has imposed a quota on the amount of yellow pickerel which may be harvested. This quota is derived from recommendations proposed by the Walleye Protocol Committee of the Great Lakes Fishery Commission, based on the best information available concerning the overall pickerel population in the interests of the Ontario fisheries. This quota is further determined by the Ministry working in concert with the Federal Fisheries Department and the Federal Department of Health. The quota is subject to fluctuation depending upon the content of mercury and the population of this species. We feel the Ministry should continue to monitor this situation and set quota levels as indicated by information from its research data. The Ministry should attempt to obtain increased research data on yellow pickerel that would enable the Ministry to better augment or refute findings established by United States research.
- 4) The "mesh or twine size" should, for the present time, be left as it is - that is, at the discretion of the harvesting operator - bearing in mind restrictions on minimum length regulations established by the Ministry.
- 5) The Ministry should issue a clear official policy with respect to harvesting operations each year, well in advance of the necessary activity by the fishermen to "gear-up" for the oncoming season. This policy should contain all information such as "minimum size length", duration

of different seasons for certain species of fish which may be caught, and any other restrictions which the Ministry may impose for that season.

- 6) The critical state of the declining perch population, both in size and numbers required the Ministry to act within a very restricted time frame. It is unfortunate that more advance notice could not have been given to the fishermen concerning the Ministry's intent to strictly enforce the 8-inch minimum length for the 1975 season. However, the fishermen were verbally told of the coming of the strict enforcement each year since the middle 1960's and again in the fall of 1976, and then by official notification by letter on March 16, 1976. The Ministry should convene a committee in partnership with the representatives of the commercial fishermen to determine how best to initiate the formation of a fund. The design of this fund would be to provide either interest-free or low interest loans for a period of time to be decided by the Ministry, to provide economic relief for those fishermen who feel they need financial assistance. This fund should be contributed to from royalties paid by the fishermen themselves, perhaps in the form of a percentage, according to catch. In the initial stages, the intent of the fund would be to provide relief for those fishermen suffering the most allowing a two to three year period for perch stocks to replenish and, in turn, in time allowing for a normal harvest. Over a period of time, the fund should grow and thereby allow fishermen a "bank" which might have several uses. It would provide a fund which fishermen could draw upon should environmental or climatic factors set back the industry for a period of time. This fund might be used to assist the Ministry and the fishermen in establishing a "vessel buy-back program."
- 7) The Ministry should examine immediately its entire enforcement policy. It is felt that this activity affects nearly every facet of the industry. The Ministry should, either with a realignment of funds internally or through a recruitment of additional funds, hire and train an increased enforcement personnel. The enforcement program should be equitable to all the discharged in a fair, firm manner. At the present time there appears to be no real deterrent to bring a stop to "illegal" or "bootleg" fishing. Thought might be given to a point system for violators, perhaps patterned after the Ontario Drivers Licensing point system.

The loss of all points by a fisherman would result in the suspension or loss of a license for persistent violators.

- 8) The Ministry should expedite as soon as possible its present study on the examination and revising of licensing procedures, and the regulations governing commercial fishing. The present system of licensing will perpetuate the over-abundance of fishermen using the lake. Upon the completion of this study, the Ministry and fishermen should then examine the merits of possible changes of the present "territorial lines" or fishing zones.
- 9) The studies conducted to date, such as the Long Point Bay Study, appear to indicate that in certain areas of the lake the yellow perch mature at a slower rate with final adult size somewhat smaller than perch in the main basin of the lake. An immediate further study should be conducted by the Ministry to determine the rate of growth and to what extent the perch are stunted in these areas. The Ministry might then review the "incidental catch" or the allowed 10% undersized catch for possible change. If it was determined that the growth rate of the perch was definitely slower and the final adult size smaller, the Ministry, together with the fishermen, could establish a different approach towards harvesting in these areas. The overall welfare and abundance of the perch community in the lake must, however, remain a paramount consideration.
- 10) The Ministry, in consultation with the representatives of the Commercial Fishermen's Association, upon completion of a revised licensing and allocation system, should examine the establishment of a "buy-back" program for fishing vessels. The vessel could be appraised by an independent appraiser and a fair market value established. Upon the voluntary withdrawal of an operator from the industry, the vessel could be purchased and then sold. The license that was held by the operator should then be surrendered, thus reducing the users of the resource.
- 11) The Ministry should, through every avenue possible, expand research towards preserving and enhancing the quality of the water in the lake. The general continued depletion of oxygen in the water, coupled with toxic pollutants and biocides, possibly in time will create an imbalance in the lake's ecosystem. This deteriorated condition will undoubtedly bring about the termination of the commercial fishing industry and destroy a heritage entrusted to us for future generations.

On March 24th the Minister wrote to us and said in part:

"Your recommendations are supportive of this Ministry's activities or planned activities. I find nothing in your report that the Ministry of Natural Resources cannot accept."

(101) SUMMARY OF COMPLAINT

The complainant's wife wrote to us in July, 1976 (her husband could neither read nor write) complaining that her husband had worked for the Ministry of Natural Resources for 18 years and had used only about 4 to 6 days of his sick leave. She wrote that he became seriously ill in May, 1973, but was allowed only 8 days sick leave that he had accumulated in the previous year. She alleged that he was told he could accrue sick leave and that he was not told he would lose the credits if they were not used.

During our investigation, the Deputy Minister told us that the complainant was a seasonal employee from 1956 to 1973, who worked approximately seven months a year. Attendance credits for such employees were granted on a yearly basis and could not normally be accrued.

Our Investigator found that a policy had been set within the Ministry which permitted accrual of attendance credits for sick leave by Group 2 employees if the employee was re-employed within three months of a previous termination. The Benefits Policy Branch of the Civil Service Commission was not aware of this policy within the Ministry but our Investigator was given assurance that the Commission was aware of the problem of attendance credits and other benefits for seasonal, recurring staff, and was studying the problem with the Ministry of Natural Resources.

An Investigator confirmed with the Personnel Branch of the Ministry that the complainant was a seasonal, recurring employee of Group 2, unclassified staff. At the request of our

Investigator, documents relating to the complainant's service were sent to him from the Kirkland Lake office. An examination of the documents showed the complainant was, in fact, permitted to carry 4½ days of sick leave from 1972 forward into 1973 when he became ill. Previous accruals of sick leave were not carried forward because of breaks in service greater than 90 days.

Having considered the facts, we decided that we could not support the complainant as he had received more benefits than are permitted under The Public Services Act.

(102) SUMMARY OF COMPLAINT

The complainant, a lawyer acting on behalf of his client, wrote to us complaining about pressure being put on his client by the Ministry.

The pressure was in the form of a letter in which the Ministry had indicated to the complainant's client that

"the unauthorized boathouse must be removed from the site at your expense within a period of three months from the date of this letter. Failure on your part to remove this structure and rehabilitate the site within the above specified time would leave us with no other alternative than to obtain a Minister's Order to have the structure removed."

Our investigation revealed that the dispute between the complainant's client and his neighbour (who was also his brother-in-law) had been going on for over three years. The dispute over the ownership of the boathouse, which we agreed was a matter to be resolved before the courts, started in 1967 when the complainant's client sold an adjoining lot to his brother-in-law.

Apparently, there was a verbal agreement on the disposition of the boathouse. This was the basis for the disagreement between the complainant's client and his brother-in-law over the past several years. The lawyer was incensed that the Ministry was trying to pressure his client into removing the boathouse.

We informed the Ministry of our intention to investigate this matter and, at the same time, we requested that the boathouse not be removed until we had completed our investigation.

In reply to our notice, the Deputy Minister stated in part:

"My Ministry did not wish to become involved initially in the dispute, so the two individuals concerned could hopefully resolve their differences without government intervention. Later, it became apparent that they could not resolve it among themselves, so we were forced to take some action . . . Private structures erected over the beds of navigable waters (Crown Land) without authority are contrary to Section 27 (3) of the Public Lands Act and are considered by my Ministry as unregulated use of Crown Land. We are gradually attempting to remedy these situations, but in many cases, nothing is being done provided the structures do not interfere or encroach on the rights of others. In this case, the location of the boathouse is, in my Ministry's opinion, interfering with the rights of the adjoining property owner, so (the complainant's client) was requested to remove his boathouse.

In order to allow adequate time for the Ombudsman to investigate and resolve this matter, I am prepared to withdraw any action until I have received further notification from you."

Our Investigator met with Ministry officials and reviewed the pertinent Ministry files and maps relating to the boathouse. Our investigation revealed that the Ministry was, in fact, most reluctant to get involved in the dispute over the boathouse; however, in spite of urging both parties to reach an amicable agreement, either by themselves or before the courts, the brother-in-law, through his lawyers, had put continued pressure on the Ministry to resolve the dispute.

Upon completion of our investigation, we wrote to the Deputy Minister of Natural Resources and stated that we had suggested to the complainant that this long-standing dispute should go to trial as soon as possible. We indicated that, unless the dispute was resolved within a reasonable period of time, (which we hoped would not exceed six months), we would not be in a position to recommend that his Ministry further refrain from involving itself in the dispute.

We also confirmed that the Deputy Minister was agreeable to our recommendation that the Ministry not involve itself in the resolution of the boathouse dispute until the ownership question had been settled in court. We also recommended that if the Ministry at any time after July 31, 1977 decided to proceed to resolve the dispute, assuming it remained unsettled, it should notify us of its intentions.

The Ministry later advised us that it accepted our recommendation to allow the matter to be settled before the courts.

We were subsequently informed that the matter was scheduled to go to trial on June 8, 1977.

(103) SUMMARY OF COMPLAINT

The complainant in this case was a cottager in a Provincial Park who leased the land on which his cottage was located from the Ministry. The lease had expired in 1975.

Our investigation into the matter of this complainant's leasehold interests was initiated as the result of a letter of inquiry submitted to us on his behalf by his lawyer.

The lawyer contended that the complainant's lease, when last renewed with its new term commencing March 1, 1954 for a 21-year period, did not contain an "option to renew" clause as had his previous lease. This meant that upon the expiry of his lease in 1975, the complainant would no longer be able to lease the lot from the Ministry.

The complainant was aware that the Ministry had initiated a cottage phase-out policy for the Park in 1954, whereby leaseholders were limited to one further 21-year term of renewal for their leases without any additional options for renewal being provided. However, he also indicated that his new lease had been renewed with its new term commencing March 1, 1954, although the Ministry's new policy had not been established until July of that same year.

During the course of our investigation, since the complainant's lease had expired, we requested that no steps be taken by Ministry officials to expedite or effect the removal of chattels from the complainant's cottage. The request was accepted.

Subsequent to this, our Investigator met with officials of the Ministry including the Director of the Lands Administration Branch and the Executive Director of the Division of Lands.

Shortly after this meeting, the complainant was advised by the Ministry that, after further consideration and on the basis that its new Park Policy had not been established until after his lease had been issued, a new renewal lease had been approved for his lot in the Park.

As a result, the complainant will be able to remain a leaseholder in the Provincial Park until the mid-1990's.

MINISTRY OF

REVENUE



(104) SUMMARY OF COMPLAINT

This complainant was interviewed by one of our investigators during our private hearings in a town near the Manitoba border. His complaint concerned the builder of his home, a Winnipeg-based construction company, as well as a problem he had with the Ministry of Revenue regarding the sales tax on the materials for his home.

In April, 1974, the complainant bought a home to be constructed by a Winnipeg based construction firm which was to supply all the materials and also assemble the home. However, according to the complainant, he did not receive all the materials, the workmanship was shoddy, and he experienced difficulty with the construction firm because they are located in Winnipeg and are not licensed in the Province of Ontario. In the Agreement to Purchase, the construction company had agreed to pay all federal and provincial taxes, but it failed to do so and the complainant was being held liable by the Ministry for payment of the sales tax on the material used for the construction of his home. The complainant felt that, since the construction company had failed to supply some of the materials, the amount of tax the Ministry was asking him to pay was too high.

A study of The Retail Sales Tax Act by our Director of Research revealed that, where a non-resident contractor enters into a contract with a person to construct property which will be used in Ontario, the non-resident contractor is required to deposit with the Treasurer of Ontario a sum equivalent to 3% of the total amount to be paid under the contract or a guarantee bond in such amount to secure payment of the tax payable. The non-resident contractor, then obtains a certificate in duplicate from the Minister that the requirements of the Act have been met. The Act further provides that any person dealing with a non-resident contractor without first having obtained a duplicate copy of the certificate, is required to deduct 3% of all amounts payable to the contractor or furnish to the Treasurer a guarantee bond in such amount to secure payment of the tax payable.

Finally, where a person dealing with a non-resident contractor fails to either obtain a duplicate certificate or deduct 3% of the amount payable and pay it to the Treasurer of Ontario, the person is personally liable for payment of the tax imposed by the Act. The complainant, unfortunately, having been ignorant of these provisions, failed either to obtain a certificate or to pay the 3% deposit.

Our investigation disclosed that the Ministry had dealt fairly with the complainant in that it had expressed its willingness to accept that the complainant had complied with the statutory requirements providing he made payment to the Treasurer of Ontario of an amount representing 3% of the reduced contract amount, by reason of the contractor's inability to fulfill his obligations.

To ensure that other unwary purchasers were not caught in the same position, our Director of Research spoke to the Northern Affairs Officer in Kenora who agreed to deal with the obligations imposed on purchasers by The Retail Sales Tax Act in both his weekly radio show and his newspaper column.

(105)

SUMMARY OF COMPLAINT

During the private hearings our Office held in a Northern Ontario city, three people brought to our attention similar complaints concerning their ineligibility to obtain grants under The Ontario Home Buyers Grant Act, 1975, administered by the Ministry of Revenue. This Act provides for the payment of grants of up to \$1,500 to first time home buyers.

The three complainants purchased mobile homes in September, 1975, and then applied for the housing ownership grants. In making application, they were required to submit documents to show proof of ownership. In order to get these documents, they had to apply to the Plans Administration Division of the Ministry of Housing. As these documents were not made available prior to the expiration date of the Home Buyers Grant Program in December, 1975, the complainants

believed that their applications for the grants were denied due to a 4 month delay on the part of the Ministry of Housing. When consent for the grants was finally obtained from the Ministry of Housing in January, 1976, the complainants felt that some provision should be made for them to be considered eligible for the grants.

During our investigation, we discovered that the delay was caused by insufficient information on the initial applications of the complainants which, in turn, delayed the receipt of necessary recommendation consents from the various provincial, municipal and local agencies. Since the lengthy delay was not the result of any lack of effort on the part of the Ministry of Housing, they suggested that this situation might be explained to the Ministry of Revenue in an attempt to have an extension granted to the complainants.

At a meeting with an official of the Ministry of Revenue, our Investigator learned that, contrary to the complainant's belief that they were denied the grants because the deadline had passed, the actual reason for their ineligibility was that the mobile homes did not meet the Canadian Standards Association standards as required by The Ontario Home Buyers Grant Act. Since the Ministry of Revenue had acted in accordance with a law designed to protect the consumer, we concluded that, prior to purchasing their mobile homes, the complainants should have been aware of the standards which had to be met in order for a mobile home to be eligible for a grant. The complainants were advised by letter of the results of our investigation and the reason why they were deemed ineligible for Home Buyers Grants.

(106) SUMMARY OF COMPLAINT

This problem was similar to more than 100 Ontario Home Buyers Grant complaints that our office had or has under investigation.

The complainant and his wife purchased a house within the eligibility period, however, prior to closing, the mortgage company advised the complainant that the mortgage

money would be forthcoming only if the complainant's father became co-owner of the property.

The complainant, anticipating that he would be refused the grant because his father already owned a home (which would disqualify the former in light of Section 2(2) of the Act), had his lawyer draft a Declaration of Trust demonstrating that the interest the father held "to the property, is as nominee and not as beneficial owner."

Notwithstanding this Declaration, the complainant was refused the grant. He then asked our Office for assistance.

In September, 1976, our Office advised the Ministry of our intention to investigate this matter.

After several conversations with the complainant and the Ministry's Director of the Guaranteed Income and Tax Credit Branch, and after the complainant had submitted additional documentation to the Ministry, the problem was resolved in his favour, and he received the grant.

(107) SUMMARY OF COMPLAINT

The complainant, a former estate assessor with the Ministry, wrote to us claiming that he had been unjustly dismissed after eight months probationary employment.

Our Deputy Legal Officer researched the complaint and subsequently advised the complainant that he did not qualify for a hearing before the Public Service Grievance Board as he was not employed continuously during the twelve months preceeding his dismissal. However, we pointed out to the complainant that it was possible that he could be given a hearing by the Board under The Crown Employees Collective Bargaining Act, and the complainant was advised to make an application to the Board under that Act.

We were subsequently advised that a representative of the Ontario Public Service Employees Union had acted voluntarily for the complainant before the Grievance Settlement Board, and that at a hearing the complainant's grievance was upheld and the Ministry was directed to reinstate

the complainant.

As the complainant did not wish to return to the Ministry at that time, and since the Ministry, although willing, was reluctant to reinstate him, both parties negotiated a cash settlement of \$4,500 which was paid to the complainant. This figure represented an amount equal to the complainant's out-of-pocket losses when calculated as lost income, minus earnings from his new job, together with Unemployment Insurance Benefits.

(108)

SUMMARY OF COMPLAINT

This complainant operated a store and gas station on an Indian Reserve. In 1947, the Province introduced a system to provide tax-exempt gasoline to native people living on reserves in Ontario. Initially, only native people resident on a reserve could obtain tax-exempt gasoline. The program was later expanded to include Band members who resided off the reserve; however, the sale of gasoline had to take place on a reserve to be tax-exempt, regardless of the purchaser's place of residence.

The complainant refused to participate in the program because he felt that the Indian Band of which he was a member was a sovereign nation as defined by the Haldimand Deed of 1784. Believing that the treaty entitled the Band to perpetual sovereignty, he refused to recognize any external authority, including all levels of government in Canada. An acceptance of the proposed system would, he felt, be interpreted as an acknowledgement by him of The Indian Act and would signify a loss of sovereignty.

Competing gasoline outlets on the Reserve were using the tax-exempt system, and, with a price difference of 19¢ per gallon, the complainant's business dropped off sharply. This in turn seriously affected the business his grocery store received.

Representatives of our Rural, Agricultural & Municipal Services Directorate met with the Director and staff members

of the Gasoline Tax Branch of the Ministry, and determined that the Ministry was legally justified in exerting its authority over vendors of gasoline on Reserves in the Province.

The complainant contended that he should not be precluded from selling tax-exempt gasoline solely because of his belief in the sovereignty of his Band. The Ministry, however, stated that it could make no exceptions. The system was working properly, officials said, and if they were to give authority to the complainant to operate on his own it would be unfair to others who adhered to the system and found it to be a workable one.

As a possible solution to his problem, we suggested to the complainant that we might be able to obtain a letter from the Minister of Revenue to the effect that his participation in the tax-exempt gasoline program would not be interpreted as a rejection of his belief in the sovereignty of his Band. We then approached the Ministry and asked if this idea would be acceptable to them. The Ministry was agreeable to such an arrangement.

The complainant subsequently received such a letter from the Minister and agreed to participate in the system. Ministry officials assisted the complainant in establishing the system at his gasoline outlet and the complainant is now participating in the Ontario tax-exempt gasoline program.

MINISTRY OF THE

SOLICITOR GENERAL

(109)

SUMMARY OF COMPLAINT

The complainant contacted our office with several allegations against various persons and organizations pertaining to the death of his son who was killed in a car-train collision in February, 1975. The general thrust of the complainant was that he thought that the conduct of the Coroner's Office had been improper.

The complainant subsequently provided our office with numerous documents which indicated that he had received an extensive explanation from the Chief Coroner's Office regarding the allegations made concerning the manner in which an autopsy was performed on his son and various other matters which took place subsequent to his son's death. Our investigation centered primarily on his complaint against the Coroner's Office, however, to be of assistance to us, the Niagara Regional Police Force voluntarily made available to us their entire report into the death of the complainant's son.

Our Investigator spoke with the Deputy Chief Coroner and several other Coroners involved in the matter and discussed the matter in detail with officials of the Coroner's Office.

During our investigation we made preliminary inquiries with the Coroner's Office, based on humanitarian grounds, and at the request of the complainant, to see if it would be possible to exhume the complainant's son's body and perform a second autopsy in the hope that this course of action would once and for all satisfy the complainant. The Chief Coroner indicated to us that there would be nothing to be gained by exhuming the son's body.

Our report to the complainant outlined in detail the results of the autopsy performed on his son and we indicated that the cause of death was shock from a severely fractured skull and laceration of the brain.

The complainant had also indicated to us his extreme displeasure that an autopsy on his son had been performed without his permission. We indicated to the complainant that had an autopsy not been performed, he might have had a valid criticism of the Coroner's Office.

We pointed out to the complainant that Section 23(1) of The Coroner's Act states:

"A Coroner may at anytime during an investigation or inquest issue his warrant for a post mortum examination of the body, an analysis of the blood, urine or other contents of the stomach and intestines, or such other examinations or analysis as the circumstances warrant."

We indicated to the complainant that our lengthy investigation had revealed that he had received extensive personal explanations from various officials of the Coroner's Office concerning his son's tragic accident, and that we had concluded that a second inquest would serve no useful purpose.

We summed up our report by advising the complainant that we could find no basis for his complaint about the actions and conduct of officials of the Coroner's Office and we indicated that we felt they had been more than fair in trying to make the complainant aware of the facts surrounding his son's death.

MINISTRY OF

TRANSPORTATION AND COMMUNICATIONS

(110) SUMMARY OF COMPLAINT

The complainant wrote to us complaining that the Ministry of Transportation and Communications had owed his company \$43,000 plus interest from 1960.

The complainant contended that in 1958, his company was awarded a contract with the then Department of Highways to construct a bridge on a highway. Under the terms of the contract, the company was to perform all the concrete work, footings, tiers, and concrete work on the steel bridge approaches and drainage.

The company worked through the winter but was unable to complete work on the bridge and approaches because of a delay caused by a steel contractor.

The complainant alleged that he was assured by an engineer in the Claims Department of the then Department of Highways that his company would be compensated for the standby time until it could complete its work.

Apparently, by the summer of 1960, the sum allegedly owed to the company was approximately \$87,000 but the then Department of Highways paid only half that amount. The complainant reluctantly accepted this amount of money but he maintained that the Ministry of Transportation and Communications still owed his firm a large sum of money.

We notified the Ministry of our intention to investigate this matter and our Investigator spoke with the complainant on several occasions and wrote him requesting that he compile and submit to our Office documentation to support his claim.

Our Investigator also spoke with the Assistant Claims Engineer of the Ministry who told us that the engineer who the complainant alleged had assured him that his company would be compensated for standby time had died.

From our review of all the available documentation, it appeared that the claims engineer and an assistant internal auditor with the then Department of Highways had conceded that the complainant's equipment rentals claim had some basis and, as a result, it was recommended that \$31,612.45 be offered to the complainant as a fair settlement for the claim. This offer

had been accepted by the complainant on behalf of his company and he had signed a release form. The complainant had signed another release form regarding labour costs for the suspension of operations during a period of time in 1959. The Ministry had offered \$3,831.12 as a settlement of the claim and this amount had been accepted by the complainant.

In addition, the complainant had signed another release form regarding standby time for a period of time in 1960. Again, the claims engineer for the then Department of Highways had agreed that the contractor was entitled to some return on the equipment which was idle through no fault of his own. The claims engineer had recommended that \$64,446.93 be offered to the complainant as payment for all claims due to a delay by a steel company in erecting the steel pursuant to another contract. The complainant had also accepted this offer.

The complainant had signed another release form in 1961 representing an additional construction cost. The complainant's contractor claimed \$950.99. He was paid this amount in full as a complete and final settlement of this claim.

We noted that the complainant had agreed to settle his claims on the basis of the offers made by the Ministry of Transportation and Communications. Further, the complainant not only received a total of \$100,841.49 but there was no evidence to indicate that he had been dissatisfied with the settlement claims prior to or at the time of signing the release forms.

We concluded that there was no evidence to demonstrate that the Ministry still owed the complainant \$43,000 plus interest from 1960.

(111) SUMMARY OF COMPLAINT

This complaint related to the widening of a street which caused the hill on the complainant's next door neighbour's property to become higher and closer to the road than it had been originally. The complainant contended that the hill

obstructed his view of on-coming traffic when he drove out of his driveway onto the street. He stated that the obstruction of the view was worse during the winter months when ice and snow piled up on the hill.

Another facet of the complainant's problem was a sign located very close to his property which indicated a 50 m.p.h. speed limit zone. The complainant stated that most drivers had speeded up by the time they reached his house and this made it even more difficult to get into the flow of traffic from his driveway. The complainant told us that a suitable solution to the problem would be to have the Ministry remove the hill.

An Investigator visited the complainant's property on several occasions, and took photographs. They indicated that as long as the complainant could bring his vehicle to the edge of the road there would be no obstruction of his view of on-coming traffic.

However, our Investigator's discussion with the Ministry resulted in the 50 m.p.h. speed limit sign being removed and a 35 m.p.h. speed limit sign replacing it. This action was initiated to limit the speed of traffic passing the driveway so that the complainant's entry and exit to and from his property could be performed more safely.

We concluded that the hill did not obstruct the complainant's view of on-coming traffic as long as he drove his vehicle to the edge of the road. We therefore concluded that we could not support his request to have the hill removed.

(112) SUMMARY OF COMPLAINT

This complainant purchased a car on October 16th, 1975, from a private individual and the documents necessary to effect the change of ownership were completed and submitted to the Ministry within the required time period.

The transfer of ownership was recorded in the Ministry's manual files, but, through an error, the information did not appear on the computer records as of February 19th, 1976.

On that date the complainant's car broke down not far from his home while he was on his way to work. He left the car on the street for three days and did not notify the local police department. When he returned for the car, he discovered that it had been towed away and impounded by the police.

The police had received a complaint on February 21, 1976, that the car had been left on the street for two days. Prior to removing the car, the police attempted to locate the owner. They contacted the Ministry and were given the name and address of the former owner, as the change of ownership had not been entered in the computer. The police were not able to locate that individual and the car was treated as having been abandoned.

The complainant's cost of recovering his car from the pound was \$56.00 and he complained to our office that he did not think it was fair for him to have to pay \$56.00 when the Ministry had failed to give to the police the proper information concerning the registration of his car.

We advised the Ministry of our intention to investigate this complaint and it responded by conceding that there had been an error on their part, but it pointed out that:

- 1) it is an offence to park on a highway for more than three hours at a time;
- 2) the complainant had left his car on the highway for three days without attempting to move it; and
- 3) the complainant did not notify the police that his vehicle was disabled.

For these reasons, the Ministry offered to pay 50% of the complainant's costs. This proposal was initially rejected by the complainant, but he later accepted it.

(113) SUMMARY OF COMPLAINT

This complainant contacted our office in order to have her driver's licence re-instated. She had been involved in an automobile accident as a result of which a judgment was

registered against her for \$2,000. The complainant was an uninsured driver.

Our investigation revealed that the driver's licence of the complainant was under suspension in accordance with Section 138(1) of The Highway Traffic Act because the outstanding judgment against her was unsatisfied. Although the complainant had declared personal bankruptcy in June, Section 138(1) specifically requires that before a driver's licence can be renewed or issued, such a judgment must be "satisfied or discharged, otherwise than by a discharge in bankruptcy."

Our Investigator learned that the complainant was unemployed and required her driver's licence in order to obtain employment and he therefore contacted the lawyers representing the other driver's insurance company in order to establish a minimal monthly repayment schedule.

The insurance company's lawyers agreed that due to the complainant's unemployed status, they would accept payments from the complainant of \$20 a month on account of the judgment. They agreed that upon receipt of 12 post-dated cheques they would contact the Ministry so as to have the complainant's driver's licence re-instated.

(114) SUMMARY OF COMPLAINT

This complaint was brought to our attention at our private hearings held in a town in Northeastern Ontario. The complainant had also contacted his M.P.P. concerning his problem.

In 1969, the complainant was granted permission by the then Department of Highways to have 90 feet of drainage tile installed at the entrance to his commercial driveway. This tile was not installed correctly and, as a result, water did not properly drain off his property. In an effort to control the effect of the high water on his property, the complainant paved his entrance way, including a portion of the entrance that technically belonged to the Department of Highways, and

thus widened the entrance. Prior to paving the entrance, the complainant had been warned by the Ministry not to pave the Ministry's right-of-way, since the widening of the entrance would create a high-speed entrance and thereby increase the risk of accidents.

When the Ministry discovered that the complainant had paved its right-of-way, it instructed the complainant to place curbing along the boundary of the entrance to correct this hazardous situation. When this was not done, the Ministry advised the complainant that it would remove the pavement and 30 feet of drainage tile. The Ministry advised the complainant that he would be responsible for the cost of this work.

The complainant requested our immediate assistance since he was afraid that the Ministry would take this action shortly. We called the District Office of the Ministry to request that the removal of the paving and the 30 feet of drainage tile be delayed until a representative from our Office had investigated the matter. A meeting at the site was then arranged with officials of the Ministry, the complainant and an Investigator.

The Ministry was quite willing to find a possible alternative to the removal of the pavement and drainage tile so that several compromise solutions were discussed. One alternative proposed by our Investigator was to remove only the paving on the Ministry's right-of-way and to put a solid white line around the boundary of the Ministry entrance. Since this suggestion was acceptable to both the complainant and the Ministry officials, we recommended that this solution be considered as an alternative to the removal of the 30 feet of drainage tile and the paving.

The Ministry agreed to implement the proposed solution but reserved the right to review the matter again if this solution did not alleviate the problem of the hazardous entrance way.

(115)

SUMMARY OF COMPLAINT

The complainant was an employee of a Hospital Disaster Team. Because he had failed to pay some traffic fines his driver's licence had been suspended by the Ministry. This suspension caused him great concern since he was not only a member of the emergency relief team at the hospital but he was also on 24-hour call for which he required his chauffeur's licence.

Because of the unique type of work in which this individual was involved, a member of our staff contacted the Supervisor of Defaulted Fines Control Centre, Ministry of the Attorney-General, who promptly arranged for a temporary licence for the complainant. This consideration was given so that the usual 10-day waiting period for reinstatement could be avoided.

The complainant was unable to get to the Driver Control offices of the Ministry of Transportation and Communications to pick up this licence before it closed due to the distance and time constraints and since it was a Friday afternoon. Consequently a member of our staff made arrangements to pick up his licence for him that afternoon. The complainant visited our Office later that evening and picked up his licence.

(116)

SUMMARY OF COMPLAINT

The complainant was first interviewed at one of our private hearings. He advised us that eight years before a section of the highway running through his property was widened and upgraded by the Ministry. The complainant stated that approximately six years later the widening and upgrading was continued to a point just north of his property. He contended that at the point where the two paved projects connected, the connection of the shoulders and the drainage ditch had not been completed, leaving a gap of about 100 feet. This, he alleged, had resulted in excessive drainage from the

highway onto his property.

The complainant asked us to have the Ministry complete this section of the shoulder and ditch so as to remedy the drainage problem and to enhance the beauty of the land on this stretch of the highway adjacent to his property.

The complainant's second contention was that when the road widening was being carried out, the Ministry's workmen cut down two large hard maple trees which were situated on his property. He requested that the Ministry plant three new trees 15-20 feet in height to replace the two which had been destroyed.

Our Investigator met with the complainant and visited the sites in contention. Several pictures were taken of the drainage area, and of the remnants of the trees allegedly destroyed by the Ministry.

Later that day, our Investigator met with the Regional Director of the Ministry to discuss the complainant's contentions. At this meeting, the Regional Director viewed the photographs taken by our Investigator and agreed that the ditch between the two sections of constructed highway, adjacent to the complainant's property, was in need of grading to facilitate drainage.

With respect to the complainant's second problem, the Regional Director indicated that the Ministry would be willing to make a settlement with him for the loss of the trees on his property. He suggested that the Ministry would be willing either to pay the complainant for the cost of the trees and a reasonable amount for maintenance, or it would pay a nursery for the cost of such trees and the nursery would be responsible for the maintenance of the trees for a reasonable period of time. It was decided in both instances that the complainant would be given the option to choose his own trees.

Our Investigator then contacted the complainant who expressed his satisfaction with the Ministry's proposals.

(117)

SUMMARY OF COMPLAINT

We received a number of complaints from married women who were experiencing difficulties in attempting to have the Ministry issue drivers' licences to them in their maiden names.

In each case, the complainant was separated from her husband and had decided to revert informally to her maiden name. When the complainant applied to the Ministry for a new driver's licence in her maiden name, she received a form letter from the Ministry indicating that before a licence in her maiden name would be issued, the Ministry would require either a copy of a court order under The Change of Name Act or a copy of a Decree Absolute finalizing her divorce.

During the course of our investigation of these complaints, our Director of Research examined the relevant provisions of The Change of Name Act and considered the study paper entitled "A Woman's Name" released by the Ontario Law Reform Commission in October of 1975. We also contacted the Director of Legal Services for the Ministry, the Assistant Deputy Minister, as well as the Legal Research Officer who had prepared the above-mentioned study paper for the Ontario Law Reform Commission.

The Ministry took the position which is supported by present legislation and case law that an informal reversion to a woman's maiden name is not a right that is "legally" recognized under Ontario law. The Ministry took this position notwithstanding the fact that a married woman may choose to be known for general purposes in the community by a name other than her married name provided this is not done with an intention to defraud others.

We were of the view that while the Ministry's decision not to issue drivers' licences to married women in their maiden names is legally correct, such a decision is in the words of Section 22(1)(b) of The Ombudsman Act, 1975:

"in accordance with a rule of law or a provision of any Act . . . that is or may be unreasonable, unjust, oppressive, or improperly discriminatory."

We carefully considered whether the Ombudsman should make a recommendation pursuant to Section 22(3)(e) of The Ombudsman

Act, 1975, that the relevant provisions of The Change of Name Act be reconsidered. In deciding whether or not to make such a recommendation, we gave careful consideration to the Ontario Law Reform Commission study which dealt with the decision by women to retain their maiden names at marriage or to revert to their maiden names after a period of using their husbands' names. We noted that the Commission was at that time preparing its final report and recommendation for legislative change which was to be tabled in the Legislature by the Attorney-General.

We were advised that once the Commission's final report had been tabled, it would be referred to both the Justice Policy Field for detailed consideration and to Legislative Counsel to draft the suggested legislation. We concluded that if the legislation was approved by the Legislature, the Ministry would, of course, be bound by whatever provisions affect its operations and would be unable to pursue a policy which would be at variance with the legislation. However, should the recommended legislative changes not be implemented, we informed the Ministry that we would be fully prepared to make a specific recommendation pursuant to our Act.

At a later date, we informed the complainants that the Law Reform Commission's report had been tabled by the Attorney-General in the Legislature on November 10, 1976 but that a representative of the Ministry of the Attorney-General had advised us that it was not known whether or not the Ministry would introduce legislation in response to the study. We also made arrangements to have a members of the Ontario Law Reform Commission send copies of the study to the complainants.

(118) SUMMARY OF COMPLAINT

The complainant sought our assistance in obtaining year-round radio-telephone service from the Ontario Northland Transportation Commission for his winter and summer camping business located on an island on a lake in Northern Ontario. He had been unable to obtain the service on the ground that the facilities were full.

He questioned the Commission's allocation system which had resulted in service being provided to summer residents whose radio-telephones are idle except during the summer, while his business could not obtain year-round service. He had arranged with a neighbouring summer resident to use his radio-telephone between October and March but this was an unsatisfactory arrangement. The complainant had contacted his M.P.P. prior to bringing his problem to us.

A member of our staff contacted the Commission and learned that the Traffic and Commercial Superintendent, Telecommunications Systems, wished to meet with the complainant. The General Manager indicated that the complainant was next in line for year-round radio-telephone service and that it was possible that service would be made available to him shortly because someone with service might be surrendering it.

Shortly thereafter, the complainant informed us that he had met with the Traffic and Commercial Superintendent and had been provided with radio-telephone service. He appreciated our having contacted the Commission which, in his view, expedited his receiving service.

MINISTRY OF

TREASURY ECONOMICS AND INTERGOVERNMENTAL AFFAIRS

(119)

SUMMARY OF COMPLAINT

This complaint concerned the manner in which the Ministry of Treasury, Economics and Intergovernmental Affairs conducted its preliminary investigation into the affairs of a Utilities Commission.

The complainant pointed out that in early 1975 he had requested, by way of petition, a Commission of Inquiry into the affairs of a certain Public Utilities Commission. After a review of the issues, the position of the Ministry was that the evidence did not demonstrate irregular, illegal or unauthorized transactions or payments by the Utilities Commission. Consequently, it was decided that a full inquiry would not be necessary.

However, during the Ministry's preliminary investigation, the complainant was not interviewed by Ministry employees notwithstanding the fact that he had requested the inquiry. In light of this, he wrote to our office contending that the Ministry's preliminary investigation should be reopened and that he should be interviewed.

After the Ministry had been notified of our intention to investigate this matter, our Investigator met with the Director of the Central Ontario Regional Office on a number of occasions. He agreed to consider reopening the preliminary investigation provided that the complainant could furnish him with new evidence that would demonstrate the wrongdoings of the Utilities Commission.

Subsequently, our Investigator met with the complainant, who provided information about various aspects of the Utilities Commission which he found disturbing.

At a later date, our Investigator met with the Director of the Central Ontario Regional Office again and the Director reviewed the documents which were submitted to him by the complainant in order to determine whether there was any basis upon which the Ministry should reopen its investigation.

In addition, our Investigator forwarded to a Ministry lawyer information relevant to this problem. At this time it was unclear as to whether or not the Ministry's investigation would be reopened because the decision depended upon the

complainant furnishing the Ministry with new and relevant information.

Shortly thereafter, the Assistant Deputy Minister wrote to our Investigator stating that the complainant had been interviewed and that brief discussions had been held with some members of the Utilities Commission and that further discussions with the members of the Commission were planned for the near future.

Later, our Investigator learned that the Ministry's investigation had been reopened and a complete investigation of every point raised by the complainant had been conducted.

Subsequently, we received a Ministry statement regarding its inquiry into the affairs of the Utilities Commission and also a copy of its report pertaining to each specific allegation made by the complainant.

After a careful review of the statement and report on each allegation, we found that the Ministry had acted in a responsible manner in regard to this complaint, and we concurred with the Ministry's position that the evidence did not demonstrate that a Commission of Inquiry was warranted.

(120) SUMMARY OF COMPLAINT

A number of complainants contacted our Office concerning the effects of the Parkway Belt West Draft Plan on their specific properties. The Parkway Belt West stretches from Hamilton/Dundas to Markham and is a land use plan which provides for certain transportation, communications, utility corridors, public open space areas, and affects lands in twenty regional and local municipalities.

Because of the nature of the complaints they were all dealt with by our Rural, Agricultural and Municipal Services Directorate. The complainants who wrote or visited our Office expressed concerns about loss of development potential, inability to obtain building permits and severances, down-zoning of property, and the inability to sell their property

on the open market due to the Province's intention to acquire the land at some undetermined date.

Although we reviewed each complaint independently, we found that there was a common element throughout that the draft development plan had inhibited the owner from using his or her property in a manner which they desired.

The Parkway Belt West falls under The Parkway Belt Act and The Ontario Planning and Development Act, and is administered through the Ministry of Treasury, Economics and Intergovernmental Affairs. Due to procedures spelled out in the latter Act, it was found that these complaints were outside the jurisdiction of the Ombudsman.

The Ontario Planning and Development Act calls for hearings on the draft development plan. After the hearings are held, the hearing officers present their report to the Minister. The Minister, in receiving the report, does not take any implementing action. It is the Cabinet which makes the final decision to implement the plan. Section 6(8) of The Ontario Planning and Development Act states:

"After giving consideration to the comments received and the report or reports, if there is more than one, of the hearing officer, the Minister shall submit the proposed development plan with his recommendations thereon to the Lieutenant Governor in Council".

Therefore, the Act gives most of the power to the Cabinet rather than to the Minister. Approval and implementation of the plan is more a Cabinet process (Executive process) than a ministerial process.

Because of the process outlined in the Act, our jurisdiction to investigate any complaints which fall under this Act are effectively and practically precluded, as section 14(b) of The Ombudsman Act, 1975 states:

"This Act does not apply to deliberations and proceedings of the Executive Council or any committee thereof."

Since our Office was precluded from taking any action concerning the matters raised, the complainants were advised to seek legal counsel if they wished to pursue their complaints further.

WORKMEN'S COMPENSATION BOARD

(121)

SUMMARY OF COMPLAINT

This complainant stated that while working on the construction of the Welland Canal in 1929, he had injured his back and had been unable to secure steady employment since that time. The Workmen's Compensation Board gave the complainant benefits for a one month period immediately following the accident while he was recovering from his injuries, and in 1972, it awarded him a pension for back problems retroactive to 1948.

The complainant requested that we focus our investigation on the degree of disability from which he was presently suffering as a result of his accident, and his claim to have his pension backdated to 1929.

During the course of our investigation, we determined that the complainant was admitted to hospital immediately following the accident and was treated for a fractured leg. Approximately one month later, while the complainant was still in hospital, his wife was admitted to hospital. While giving birth to their first child, the complainant's wife died. Subsequently, the complainant left the hospital with the baby and moved out of the province to his parents' farm where he had remained.

The complainant stated that he has been unable to carry on with the work required at the farm because of his back disability and has always required the assistance of hired hands. The complainant also stated that he often was required to rest because of back pain.

Our Investigator attempted to ascertain the specific kinds of medical treatment the complainant received between 1929 and 1948 for his back disability but the only available information was the complainant's statement that he had seen some Chiropractors in the 1930's. He was unable to remember the names of any of the Chiropractors.

Consequently, we could not substantiate the complainant's contention that he was disabled between 1929 and 1948.

In 1948, the complainant was admitted to hospital for treatment for his back. The medical reports dating from then to the present indicated that the worker was suffering from minor back problems which had become worse over the years. It was, however, impossible to determine to what extent the complainant's problems were related to his accident and to what extent they are related to his advancing age. The complainant was in his 70's when he came to us.

As a result of our investigation, we found that the decision of the Workmen's Compensation Board had been fair.

(122)

SUMMARY OF COMPLAINT

This complainant who was away from work as a result of a knee disability and collecting Workmen's Compensation benefits, had encountered two problems in connection with his claim.

His first problem was that his cheques were being issued on a very irregular basis, and it was only after contacting his M.P.P. that his cheques would be brought up to date and arrive regularly for a few weeks. His second problem was that his doctor had recommended an arthroscopy of his knee and requested the Board's authorization to proceed but two months later, the physician had not received a reply from the Board and consequently, this treatment had not been carried out.

Our Investigator contacted the Board and learned that the complainant had a prior claim in which an appeal had been launched. Consequently, both the prior claim and the current claim, which was being used for purposes of cross-reference, had been referred to the Appeals Branch for a decision. For this reason, all action on the most current claim had been delayed. At the time of our Investigator's contact with the Board, a decision had been reached on the initial claim, and the most current claim was returned to the Claims Department to have the payments brought up to

date. By mid-December, the complainant was receiving his cheques regularly, his doctor had been notified that he could proceed with the arthroscopy, and the necessary arrangements were being made to have him admitted to hospital.

The complainant again contacted our Investigator in January, 1977, stating that he had been informed by the Board that he was to attend at the Board's Medical Branch for an 11:00 a.m. physical examination. The complainant said that these arrangements were not suitable, as the bus, his only means of transportation from his home to Toronto, did not leave London for Toronto until 11:05 a.m.

Our Investigator brought this problem to the attention of the Board and the Board made the necessary arrangements to enable the complainant to take the bus to Toronto on the day preceding his appointment, and to stay in a hotel in Toronto overnight, so that he could keep his appointment at 11:00 a.m. the following day. Because the complainant was not familiar with Toronto, it was agreed that he could take a taxi cab, at the Board's expense, from the bus station to his hotel, from his hotel to the Board's offices and back to the bus station. As well, the Board reimbursed the complainant for his return bus fare.

(123)

SUMMARY OF COMPLAINT

This complainant, while in the employ of a Manitoba drilling firm operating in Northern Ontario and covered under The Ontario Workmen's Compensation Board Act, suffered a finger injury in 1974, and received compensation benefits for the period he was away from work. The complainant stated that he then went to work in Yellowknife, Northwest Territories, and in 1975, experienced further problems with his finger which required corrective surgery. The complainant submitted the appropriate forms to the Ontario Workmen's Compensation Board, but in November, 1976, he had still not received any compensation for the four week period he

was away from work in 1975.

Our Investigator's contact with the Board revealed that a new claim had been instituted for the complainant's most recent layoff but the Board was unable to issue payment, as it was unaware of the complainant's address. Our Investigator advised the Board that the complainant's most recent disability was a recurrence of his original accident and that the new claim should be amalgamated into the prior claim. The Board was also advised of the complainant's new address and in December, 1976, the complainant was advanced \$500.00 under the original claim.

(124)

SUMMARY OF COMPLAINT

Almost 20 years ago, the complainant was working in a mine when he slipped and strained his lower back while trying to place a drilling machine. The complainant was paid temporary total benefits for two weeks, and temporary partial benefits for another two weeks as compensation for this minor injury. After this period of one month, the complainant's physician determined that he was capable of returning to work, and the file was accordingly closed. However, fourteen years later, the complainant initiated an appeal for further benefits contending that since the accident, he had not been able to hold a steady job because of continuing back problems.

The complainant had exhausted all his appeal rights at the Board but was consistently denied any entitlement to further benefits. We interviewed the complainant in French on two different occasions when our Office held private hearings. Further communication in the complainant's mother tongue of French took place over the telephone.

Our investigation revealed that the complainant worked intermittently for a number of different mines for about two years after the accident. Then he suffered a non-compensable heart attack, and had not worked since. The complainant

had been admitted to hospital and treated many times for various medical problems such as coronary artery disease, mycarditis, duodenal ulcer and hiatus hernia.

A careful review of all the medical information on the file, including reports from the complainant's own doctors, disclosed that the complainant had been unable to work because of the above problems which were not related to his compensable injury of twenty years ago. The unanimous opinion of the 15 doctors who treated the complainant was that there was nothing seriously wrong with his back.

Before the final decision was made with respect to this complaint, our Investigator contacted the complainant's M.P.P. who had been attempting to assist the complainant. Our Investigator discussed the preliminary results of the investigation with the Member who agreed with our tentative conclusions on the basis of the available evidence.

After reviewing all the evidence, we concluded that this complaint against the Workmen's Compensation Board was unjustified since it appeared that the complainant's disabilities could not be attributed to his compensable accident.

(125)

SUMMARY OF COMPLAINT

The complaint was brought to our attention at our private hearings in a northern Ontario town. The complainant felt that she had been treated unjustly by the Workmen's Compensation Board in that her claim for Widow's Benefits, following the death of her husband, had been rejected. Her husband had a 40 year underground mining work history.

The worker's earlier claim for benefits on the basis of silicosis (a lung disease caused by breathing silica dust) had been rejected. Silicosis was not found to be present at that time according to the criteria set out under The Workmen's Compensation Act. He subsequently quit work and died three years later. The post-mortem examination

revealed bronchogenic carcinoma, which is a cancerous process involving the lungs, secondary to cancer of the spine. A pathological examination carried out by the Board revealed silicosis of the lungs and pneumonia, the latter causing death.

Because of the findings of silicosis, the Workmen's Compensation Board allowed the worker's claim retroactively, determining that the degree of disability would have been 25%, and this was paid to his estate, dating back to the date when he ceased working in the mines. The complainant claimed that her husband had been more than 25% disabled due to silicosis prior to his death and, in addition, she contended that his death was directly attributable to silicosis.

Our Investigator obtained the Board's file relating to the claim and this was carefully reviewed. The worker had exhausted the Board's appeal procedures and had been assisted by a series of lawyers.

The Board ruled that the pneumonia he suffered from was the end result of a predominately pathological process not connected with his lungs, and that the worker's death was not attributable to any other condition or cause arising out of and in the course of his employment.

We noted that when the worker's claim for compensation was recognized and paid to his estate, full compensation was paid in error, resulting in an overpayment of approximately \$6,000. The Board did not recover this amount from the estate but deleted it from the employer's cost and absorbed it within the system.

Because of the medical considerations involved in this claim, our Investigator submitted the medical data to a specialist in respiratory diseases for an independent opinion. Following his review of the case, he reported that silicosis was not thought to cause bronchogenic carcinoma. In his opinion, the worker died from bronchopneumonia (inflammation and/or infection of the air passages of the lungs) due to his being bedridden. He found the main cause of death to

be cancer of the spine.

We concluded that the weight of medical evidence supported the decision made by the Workmen's Compensation Board and advised the complainant accordingly.

(126)

SUMMARY OF COMPLAINT

This complainant asked us to investigate his claim with the Workmen's Compensation Board because he felt he should have been compensated following an injury at work.

He walked a good deal in sturdy footwear as a Field Manager supervising construction sites, and he developed callouses on the soles of his feet. While walking over rough ground at a construction site one day, he twisted his right foot and split the callous which subsequently became infected. Complications set in because he was a diabetic. His foot was slow to heal and he required extensive surgery.

The Workmen's Compensation Board rejected his initial claim for compensation and it was later rejected on appeal on the basis that the medical evidence did not support the conclusion that the incident at work played a significant part in the foot infection.

Our investigation included a thorough review of the Workmen's Compensation Board's file and interviews with the complainant. We also canvassed the views of the complainant's lawyer, who represented him during his appeal at the Board.

An investigation had been carried out by the Board which confirmed that the incident at work did in fact occur. The physicians who treated the complainant were of the opinion that even such minor trauma as this would be sufficient to trigger the infectious process. There appeared to be no reason to doubt that the complainant discovered the crack in the callous on the sole of his right foot following this incident at work.

The medical reports, and the report of the Board's investigation of the work incident, were submitted to an independent diabetic specialist for review. He provided a description of the changes which occur when diabetes is a factor. The altered architecture favours the development of callouses. The specialist suggested that a pre-existing abscess may have been present on the day of the injury and the ankle twist or stumble could have precipitated a rupture of this abscess.

We wrote to the Workmen's Compensation Board, enclosing a copy of the report from the independent diabetic specialist, and asked that the Board reconsider their decision on the complainant's claim. The Board replied that on a review of the information on record, the claim would be allowed on the basis of aggravation of a prior, non-compensable condition.

(127)

SUMMARY OF COMPLAINT

In November, 1976, a farmer's wife explained to us that her husband had been forced to sell his small dairy farm in early 1975 because of a serious health problem.

The Workmen's Compensation Board was informed by the complainants that the business was no longer operational and the Board replied thanking the complainants for keeping them informed and saying that a small amount might still be owed to the Board in outstanding employer assessments.

The complainant heard nothing further from the Workmen's Compensation Board for almost a year until they received an assessment notice from the Workmen's Compensation Board which indicated that the complainants owed over \$200.00 in employer assessments for the year 1975. The complainants then wrote to the Board reminding the Board that the business had not been operational for a year.

Subsequently, the complainants received a notice from the Board which stated that in addition to the assessments

owed, a further 5% penalty had been levied against the complainants due to their delay in paying the assessment. Finally, the complainants received notice from the Board that unless the outstanding assessments, including penalties, were received, the case would be referred to the Collection Department.

At this point the complainants wrote to our Office. Upon receipt of the complainant's letter, we telephoned the Board's Financial and Legal Department and on the same day, our call was returned and we were informed that the whole problem had been caused by a computer error.

After bringing this problem to the attention of the appropriate officials at the Workmen's Compensation Board, the entire problem was resolved in favour of the complainants.

(128)

SUMMARY OF COMPLAINT

This complainant contacted our Office in November, 1976 and said that although she had not yet recovered from an accident for which she had submitted a claim to the Board and for which she had been receiving compensation, the Board had discontinued her payments in August, 1976. The complainant added that she had, on a number of occasions, contacted the Board in an attempt to determine why her compensation payments had stopped, but was unable to receive an explanation. She contacted our Office to have the matter settled, as she was going into hospital soon for further treatment for her compensable condition.

Our Investigator's contact with the Board revealed that the complainant's physician had submitted reports to the Board, giving a diagnosis for a condition other than that for which the complainant was covered by the Board. The Investigator informed the Board that more recent medical reports had been sent outlining the complainant's condition with respect to her compensable disability, and on November 30, 1976, the complainant was issued a cheque in the amount of \$1,602 covering the period from August 2 to December 6, 1976.

(129)

SUMMARY OF COMPLAINT

This complainant registered his complaint with us during our private hearings in a southern Ontario city.

The complainant stated that he had been involved in an accident in which he chipped one of his front teeth. According to the complainant, he submitted a claim to the Workmen's Compensation Board and was told that his claim was allowed. However, the Board had not replied to his request or to the request of his dentist as to whether he was entitled to have the tooth repaired.

Our Investigator contacted the Board and found that it had authorized the repair of the chipped tooth. However, upon further investigation, we found that the authorization had been sent to the wrong doctor, namely, the doctor who had treated the complainant in the Emergency Ward of the hospital at the time of the accident. Our Investigator informed the Board that the authorization should have been sent to the complainant's dentist who would be repairing the chipped tooth. Six weeks after this matter was first brought to our attention and 13 months after the accident, the Board authorized the payment for the repair of the complainant's tooth.

(130)

SUMMARY OF COMPLAINT

This rather complex complaint came to our attention when the complainant arrived at our Office in February, 1976. After determining that the complainant had exhausted all appeal procedures at the Workmen's Compensation Board, we obtained a copy of the Board's file and began an investigation.

The complainant, on different occasions over the next few months, offered several different histories of his case. Essentially, his story seemed to be that while repairing machinery in the course of his employment in 1972, he had injured his right hand. Two weeks later, he claimed that

he had returned to work and again, while repairing a machine weighing between 500 to 5,000 pounds, suffered an accident when the machine toppled onto him. The complainant is of the view that four bolts from this machine punctured his back, chest and lungs. He informed us that with the assistance of a secretary, he was able to lift the machine off his body and go to a hospital.

The medical information on file indicated that there was nothing particularly abnormal with his back, chest or lungs. On this basis, the Board had denied his claim for benefits.

Our investigation of this case was somewhat hampered by the complainant himself. First, it was impossible to establish a consistent history from the complainant. He related a number of rather bizarre stories to us including accounts of encounters with a man whom the complainant stated worked simultaneously for a small insurance company, a jewellery store, the Mafia, the C.I.A., and the Workmen's Compensation Board.

The complainant's explanation of his lack of medical evidence was that "someone" had completely rewritten his entire Board file. Our investigation did not substantiate this contention. We did determine that the man had, as he stated, visited a hospital on the day when the machine allegedly fell on him, but according to the hospital reports, he had refused to be seen by a doctor, and had left the hospital in a rage.

In October, 1976, before our investigation was complete, the complainant announced that he was going to Switzerland to denounce Canada, and in particular, the Workmen's Compensation Board, to the "International Court". Some months later, he returned to say that he had been assessed by 15 members of this Court, and that they had pronounced him totally disabled.

However, after a further review of his case, we were unable to substantiate the complainant's contention that he had been unfairly dealt with by the Board.

(131)

SUMMARY OF COMPLAINT

This complainant said that he was involved in an accident while putting up a display when he fell approximately 6 feet off a ladder and injured his lower back. Because of this injury, which occurred about 10 years ago, he contended that he had been totally disabled. However, he was never awarded any compensation benefits.

The complainant's claim for benefits was originally denied by the Board because at the time of the accident he was a commissioned salesman and, therefore, not covered by his employer. At the Appeal Tribunal Hearing however, the Board concluded that, in fact, the complainant was an employee under the terms of The Workmen's Compensation Act and it allowed a claim for medical aid payments only. This decision was upheld by the Appeal Board.

Our investigation revealed that the complainant had sought medical treatment immediately after the accident but that he did not see a doctor again until approximately seven months later. At that time, the doctor treated the complainant for a serious diabetic condition but not for any back disorder. When the complainant sought treatment from qualified Orthopaedic Surgeons some years later, there was no evidence of any serious back disability. In fact, these doctors all agreed that the cause of the complainant's inability to work was his serious diabetic condition. It became apparent to us that the worker's claim for temporary total benefits over an extended period of time could not be supported.

However, a careful examination of the salary records of the complainant disclosed that he had suffered a substantial loss of earnings for six weeks immediately following the accident. Therefore, there was some indication that he had suffered some disability immediately following his fall. This point was also supported by an internal memo in the Board's file from one of its surgical consultants

who stated that if the worker had been disabled at all by the accident the disability probably would have lasted four to six weeks.

On the basis of this information, we recommended that the worker be granted six weeks of temporary total benefits. The Board accepted this recommendation and the worker received a cheque for approximately \$600.

(132)

SUMMARY OF COMPLAINT

This complaint was originally received from the Injured Workers' Consultants. Originally two issues were presented for consideration.

First, the complainant had been informed by the Board that she would have to repay an overpayment of approximately \$6,680 caused solely by an error on the part of the Board. Second, the Injured Workers' Consultants said that the Board did not have the legislative authority under The Workmen's Compensation Act to recover an overpayment.

The complainant sustained a low back injury at work in November, 1972. The Workmen's Compensation Board paid full compensation benefits from the time of the accident onwards. Initially, the compensation rate was established on the basis of the form sent to the Board by the complainant's employer. This information showed that the complainant's gross fortnightly wage was \$142.50 before her accident. The Board, however, established her compensation rate as if this was her weekly pay which meant that the claimant was paid twice as much as she ought to have been paid. This error was not discovered for two-and-a-half years by which time the complainant had been overpaid a total of \$6,680.

When the overpayment was discovered in April, 1975, the Claims Officer responsible for the claim immediately suspended payments and began applying the correct entitlement against the overpayment. The Board also requested that the complainant repay the money immediately. However, the

complainant explained that she was not in a position to do so. The original decision of the Board was later amended and it was decided by the Board that the complainant would receive 50% of her correct entitlement and that the other half would be applied against the overpayment.

This case was then appealed and a hearing was arranged before the Appeal Board.

The Appeal Board was asked by the complainant and the Injured Workers' Consultants to rule on two issues. First it was contended that the complainant, an Italian-speaking woman with little understanding of the Canadian way of life, should not have to repay the overpayment and that instead, the Board should write off the amount.

Second, it was contended that under the terms of The Workmen's Compensation Act, the Board had no legislative authority to recover overpayments.

The Appeal Board ruled, however, that the complainant was aware that she was receiving benefits to which she was not entitled for the period of November, 1972 to April, 1975, and that accordingly she should have to repay the money. The Appeal Board also ruled that the Workmen's Compensation Board had the legislative authority to recover overpayment by virtue of section 54 and 74 of The Workmen's Compensation Act.

Following this decision the case was referred to us for consideration. On the basis of our investigation, we found no evidence to substantiate the Appeal Board's conclusion that the complainant was aware that she was receiving monies to which she was not entitled. The complainant explained to us that she was under the impression that the rate of compensation was established by the attending physician and, furthermore, it did cost her more money to be disabled since she had to hire help for cooking and for cleaning the house.

We found that it was not reasonable for the Board to reduce the complainant's benefits and recommended that the complainant be paid at her correct rate from the time the overpayment was discovered and that no further action be

taken by the Board to recover the overpayment.

With respect to the second issue, it was our opinion that there is sufficient doubt about the existing legislation that the Board should either request a jurisdictional determination from the courts or request that The Workmen's Compensation Act be amended to give the Board the power to both collect and offset payments.

When the Board received our recommendation on these two issues, it was mutually agreed that a meeting would be arranged between members of our staff and senior administrative and legal personnel from the Board.

Following this productive meeting and subsequent correspondence between our office and the Chairman of the Board, it was agreed that the Board would discuss with the Minister of Labour what steps could be taken to improve the existing legislation so that the authority of the Board to deal with overpayment situations could be clarified. In this regard we referred the Board and the Ministry to Section 13(b) of The Family Benefits Act and to Sections 49 to 52 and Section 175 of the Regulation of The Unemployment Insurance Act, for examples of existing legislation giving bodies with functions similar to that of the Workmen's Compensation Board the power to both collect and write off overpayments.

With respect to the complainant's case, we were advised by the Chairman of the Board that no further action would be taken to recover the overpayment and that the complainant would continue to receive the compensation benefits to which she was entitled, based on her correct pre-accident earnings.

(133)

SUMMARY OF COMPLAINT

This complaint was brought to our attention by an M.P.P. Our Investigator met the complainant during our private hearings in a northern Ontario town.

The complainant, the widow of a miner, had unsuccessfully appealed the denial of her husband's claim for silicosis benefits from the Board. The question of silicosis first arose when the worker was advised by his doctors, following an admission to hospital, that he was not fit to return to work. A specialist in pulmonary disease suggested that part of his disability was a compensable problem, namely silicosis (a lung disease caused by breathing silica dust).

A claim was made but before it was processed, the worker died, the cause of death being given as pancreatitis (acute or chronic inflammation of a gland behind the stomach). Other significant conditions contributing to the death, but not related to the disease or condition causing death, were silicosis, diabetes, and hyper-tension. The Board's pathologist reported that there was a fair evidence of silicosis but it seemed unlikely that it would be of any functional significance.

The worker's claim, on the basis of silicosis, and the complainant's claim for widow's benefits, were denied. The complainant appealed this decision but the Board upheld that

"disablement from work was not occasioned by silicosis under the terms of the Act, nor did death result therefrom, but rather was caused by pancreatitis."

The Board's file on this claim was studied carefully and because of the wide divergency of opinions between the physicians who examined the worker, radiologists, and the Board's specialist, the Investigator met with the Board's Consultant on Chest Disease. He explained the definition of "silicosis" under the terms of The Workmen's Compensation Act, and the basis on which claims for silicosis are approved.

We presented the medical evidence, including X-rays supplied by the complainant, to a specialist in respiratory disease for an independent opinion. Following his review of this material, he concurred that the worker's death was caused by pancreatitis. He felt that the discrepancies in the medical evidence, particularly in the X-ray findings,

underlined the difficulty in reading the X-rays of workers with early silicosis. He agreed that the minimal amount of silicosis present would have been unlikely to cause any functional abnormality.

Based on our investigation, we supported the Board's decision. The complainant was so advised through a detailed report on the investigation, and a similar report was made to the Workmen's Compensation Board.

(134)

SUMMARY OF COMPLAINT

This complainant asked that we investigate the Board's rejection of his claim for a neck problem, which he claimed was the result of an injury he sustained at work. He said a co-worker jumped on a table dislocating a case of materials which struck him and knocked him unconscious. The complainant alleged that when he reported this to his foreman, he was grabbed by the throat and almost choked. The complainant also felt that the Disability Pension he was receiving from the Board was too low.

The file relating to the complainant was made available by the Board and our Investigator met with representatives of the Industrial Accident Prevention Association, which had carried out inspections of the complainant's work place. Our Investigator also conducted a lengthy interview with the complainant at his home and there were innumerable and often irrational telephone calls from the complainant and his wife. Since the family was in quite difficult circumstances and the complainant's wife suffered from a progressively disabling and terminal disease, our Investigator attempted to refer the couple for other assistance, but they refused to consider this alternative, stating that the Workmen's Compensation Board should recognize the claim for further benefits.

The complainant received a Permanent Partial Disability Pension for two compensable injuries, each of which had

been rated at 10%. He had also been paid a lump sum which represented a provisional award, rated at 10% for two years, for a psychiatric disability. A psychiatric report on the complainant's chronically impairing psychological problem was on file.

Our Investigator noted that the complainant had been encouraged, through the offices of the Workmen's Compensation Board, to take part in a rehabilitation program. Despite the assignment of a special rehabilitation officer for this purpose, and psychiatric treatment, the program was unsuccessful. According to the information on file, the Workmen's Compensation Board had conducted a thorough investigation into the claim for a neck injury and had been unable to establish that such an incident occurred at the complainant's place of employment. The Board's investigator had not been able to locate the co-worker who was allegedly responsible for the materials falling on the complainant while he was working. Our Investigator contacted him by telephone, however, and the information he gave did not support the complainant's claim that the incident had occurred.

The medical evidence on file indicated that the complainant suffered from a degenerative disc disease - a wear-and-tear condition not necessarily precipitated by trauma.

Following our investigation, we agreed with the Workmen's Compensation Board that the complainant's 20% pension was commensurate with his degree of disability due to the two established compensable conditions. We further agreed that there was no evidence to substantiate his claim for a neck disability arising out of his employment. However, we noted that the two-year provisional award for his psychiatric disability had expired in February, 1976.

We wrote to the Board and suggested that since the complainant's psychiatric disability did not seem to have improved since the time of his assessment, consideration might be given to reinstating the provisional award. The Board agreed that the complainant was entitled to have the 10% provisional award reinstated from February, 1976, and

that this was to be payable for three years and then reviewed.

The complainant was given a full report of the investigation of his complaint and the outcome.

He continued his contact with our Investigator and a good rapport was established. At one point, the complainant's wife was hospitalized and because of our concern about his state of depression following a telephone call from him, our Investigator contacted his family doctor to be assured that he was monitoring the situation. The complainant eventually referred a visiting nurse to the Investigator as someone who was familiar with his problems. Through this contact, we were able to divert the complainant away from his insistence that the Workmen's Compensation Board should recognize his further entitlement to benefits. He also became more receptive to the idea of resuming contact with his psychiatrist to help him to cope with his family responsibilities. He was gradually steered to community agencies, and obtained other benefits to which he was entitled, and eventually reported that he and his wife were being assisted by visiting nurses and home care workers.

(135)

SUMMARY OF COMPLAINT

This Italian-speaking complainant said that despite the fact that he had been unable to find suitable employment and had suffered from severe pain since an accident five years ago, the Board terminated his benefits and offered him no help in finding a job.

The complainant had pursued his claim for further benefits to the final level of appeal at the Workmen's Compensation Board but the Appeal Board held that the worker was entitled to no further benefits.

We determined that the complaint was within our jurisdiction and the Board was notified of our intent to investigate.

Our investigation revealed that while being transported in a truck to a work site by his employer, the truck came to a sudden stop and the complainant fell against a machine, injuring his back and shoulder. From the day of the accident the worker had complained of soreness in his shoulder and chest muscles. The pain, according to the worker, was very severe when he tried to do any work.

The worker had been seen by six Orthopaedic specialists and one Psychiatrist, in addition to the general practitioner, who had been treating him on a regular basis since the accident. It was the general consensus of the doctors that there was no significant abnormality which could be responsible for the severe symptoms the complainant was suffering from. However, there was some indication that there might have been a tear or contusion to the rotator cuff. This diagnosis was impossible to substantiate because the complainant refused to undergo further medical investigation. Each specialist felt that it was imperative that the complainant return to work as quickly as possible, and they noted a marked psychological problem.

During the course of his treatment, the complainant was admitted to the Workmen's Compensation Board's Vocational and Rehabilitation Centre on two separate occasions. Upon discharge, it was the opinion of the Board personnel that the worker could have returned to some work within his limitations and capabilities. They did not, however, refer the man to the Vocational Rehabilitation Department as they felt he had a serious motivation problem, and that any attempts at vocational rehabilitation would be futile.

Based on these facts, it was clear to us that the worker would not benefit from any further medical treatment for his shoulder. However, it became apparent that the worker had not recovered from his industrial accident. We were concerned with the possibility that this worker, who was in his early 30's, would not recover from his emotional problems, which became apparent at the time of his industrial accident and which prevented him from returning to work,

without the assistance of specialists in the field of Vocational Rehabilitation. Accordingly, the Ombudsman recommended that the Board extend the worker's entitlement to cover an intensive period of vocational rehabilitation for a six month period. In making this recommendation, it was the desire of the Ombudsman to provide the worker with the encouragement, assistance and guidance he apparently required to become self-sufficient once again.

However, the Workmen's Compensation Board after considering our recommendations, notified us that they would not implement our recommendation.

(136)

SUMMARY OF COMPLAINT

This complainant, apparently on the advice of her family doctor, applied to the Board for compensation benefits to compensate her for a neck disability which she felt arose out of and in the course of her employment. The claim was thus not made because of a specific accident, but rather on the basis that the disability had developed over time and that the disability was related to the considerable bending, pushing and pulling involved in the complainant's employment in a factory.

Medically, it was clear that the complainant had an underlying non-compensable degenerative condition in her upper spine.

The claim was originally denied by the Board but was finally allowed at the Appeal Board level on the basis of an aggravation of the pre-existing degenerative condition. The Appeal Board accordingly directed that full Temporary Compensation Benefits be paid to the complainant for any time lost from work between September, 1973 and February, 1974. The complainant was able to continue working during much of this time but she received benefits from the Board totalling about \$800.

The complainant returned to work on February 5, 1974

and remained there until February 22, 1974. From February 22, 1974 to April 18, 1974, she was away from work and the issue in her case concerned whether the period from February 22, 1974 to April 18, 1974 was compensable.

The Appeal Board, in its decision stated that by February 4, 1974, it considered that the effects of the aggravation brought about by the employment had ended. The complainant contended to us, on the other hand, that it did not make sense for the Board to pay her only up to February 5th, since just over two weeks later, she was forced to leave work again, apparently due to the compensable condition.

After thoroughly reviewing the Workmen's Compensation Board's file, the medical evidence on file appeared to support the complainant's contention and we, therefore, communicated to the Chairman of the Workmen's Compensation Board our view that the complainant's entitlement should be extended to cover the period February 22, 1974 to April 18, 1974.

On receipt of our letter, the Chairman sent out findings to the Appeal Board panel which had originally heard the case. We then received the Board's response to our recommendations with a covering letter from the Chairman of the Board. This response stated in part:

"The Board, based on medical evidence, found that (the complainant) had been declared as ready for work to which she returned on February 4, 1974 and her benefits were paid from the date of layoff to February 5. There was no evidence whatsoever to indicate then that (the complainant) had not returned to her pre-accident state. (The complainant) told the Board...that she had not experienced disability when she was not working, presumably referring to the period after returning to work on February 5, 1974."

When we received this response, we again reviewed the file, specifically to find the "medical evidence" which the Board mentioned in its response. Unable to find this

evidence, we requested further clarification. We then learned from the Chairman, by letter, that:

"There was no medical certificate before the Board specifically stating that (the complainant) was 'ready for work' as noted in the panel's response to your recommendation. Rather, this was an inference drawn from the following evidence:

- 1) Undated letter from (the complainant) to her M.P.P., received by the Board on March 25, 1974, wherein she states '... and was allowed to return to work on February 6, 1974.'
- 2) Transcript of Appeal Tribunal hearing...wherein (the complainant) states that following physiotherapy, she returned to work on February 6, 1974.

Based on this evidence, there was no doubt in the Board's mind that the clearance to return to work was given by (the complainant's) medical attendants."

We again reviewed the file and learned that with respect to the first item mentioned above, the full quote from the letter read,

"I started physiotherapy treatments and was allowed to return to work on February 6, 1974 only to have the same pain and swelling again after only seven days' work."

The transcript of the Appeal Tribunal hearing was also reviewed and it was found that the complainant had simply stated at the Appeal Tribunal that she had returned to work on February 6, 1974.

After this review, it was our view that the Board had not directed itself to the issue we had raised. There was no doubt that the complainant had returned to work on February 6, 1974 on the advice of her attending physician.

The issue, however, concerned the subsequent period from February 22, 1974, to April 18, 1974. The medical evidence which we had available to us suggested that for this period of time, the complainant was undergoing active treatment for a condition which appeared to be identical to her condition from September, 1973 to February 5, 1974, for which the Board had deemed her condition compensable.

Accordingly, letters were sent, pursuant to section 19(3) of The Ombudsman Act to the Chairman of the Workmen's Compensation Board and to the complainant's employer. The employer answered by letter dated February 11, 1977, to the effect that the company had no representation which it wished to make, other than the information already contained on the Workmen's Compensation Board file. The Workmen's Compensation Board replied by letter, dated February 9, 1977, to the effect that there was nothing further to add to the previous Appeal Board decisions and the opinions subsequently expressed in the correspondence to the Ombudsman.

Finally, after further review and discussion, we sent a letter to the Chairman dated March 22, 1977. In this letter we reviewed the history of the case, the various pieces of correspondence which had preceded the letter, and advised the Chairman of our opinion that based on the medical evidence contained in the Workmen's Compensation Board's file, it appeared that the complainant's layoff from work, from February 23, 1974, through April 17, 1974, was necessitated by the same conditions and symptoms as were present from September 18, 1973 to February 4, 1974. We, therefore, recommended that the decision of the Workmen's Compensation Board be varied in this case and that Temporary Total Disability Benefits be extended to the complainant for the period of February 23, 1974 to April 17, 1974.

By letter dated April 14, 1977, the Chairman responded that the case had again been referred back to the panel which had originally heard the appeal, and their response was:

"The complaints and treatment of February and March, 1974, which you find to be identical to the complaints during the period of

September 18, 1972 to February 5, 1974, are also identical with the complaints which pre-existed the accident."

The letter went on to state that the Appeal Board Panel did not address itself to the period in question, namely February 23, 1974 to April 17, 1974, because the panel, at the time of the original appeal, found that the complainant had returned to her pre-existing state prior to the accident.

In the letter, the Chairman of the Board also stated:

"Apart from the above, the Board has nothing further to add to its earlier responses."

Although we agreed that the complaints the worker presented and the treatment which she underwent in February and March of 1974, the period in question, were similar to the complaints which pre-existed the original layoff, we noted that prior to the layoff, the complainant did not lose time from work. However, from February 22 to April 18, she was off work.

We took the view that the complainant had not returned to her "pre-accident" state by February 5, 1974, since the evidence is that she was off work less than three weeks later with exactly the same symptoms as those which caused her disability from September, 1973 to February, 1974.

However, the Board declined to implement our recommendation.

(137)

SUMMARY OF COMPLAINT

This complaint came to our attention following a radio appearance by our Director of Rural, Agricultural and Municipal Services. After hearing him on the radio, the complainant wrote to our Office explaining the history of his case with the Workmen's Compensation Board, and, subsequently, a personal interview was arranged.

The complainant, a self-employed farmer, ran his farm with the assistance of his wife. In the fall of 1974,

one of his cows contracted a disease and he was advised by a Veterinarian to destroy the animal.

Since it is necessary to separate a cow from the rest of the herd before destroying it, and since this can be a difficult procedure, the complainant requested assistance from his nephew and a neighbour. As it happened to be the beginning of the duck-hunting season, these men also brought their guns with them.

When the three men met at the complainant's farm, they decided to go duck-hunting before dealing with the sick animal. They went to a nearby beaver pond on the complainant's property and positioned themselves around the pond to shoot ducks.

During the shooting, the complainant was accidentally hit in one eye by shotgun pellets and the injury caused the loss of the eye. The incident was investigated by the O.P.P. but no criminal charges were laid.

The complainant applied for Workmen's Compensation Benefits but was denied on the grounds that the accident did not arise out of and in the course of the complainant's employment.

When he originally approached our Office, we determined that the complainant had a right of further appeal to the Appeal Board level of the Workmen's Compensation Board.

The complainant was advised of this and he proceeded to present his appeal with the assistance of a member of the Injured Workers' Consultants.

At the appeal, the consultant attempted to prove to the Appeal Board that the duck-hunting incident was, in fact, a part of the complainant's occupation as a farmer. He told the Board that duck-hunting was one method of gathering food, and since the dictionary defines farming as the gathering and cultivating of food, the former's claim should be allowed.

The Appeal Board, however, ruled that the incident could not be considered to be within the scope of the complainant's employment.

At this point, the complainant returned to us. After a thorough review of the entire Board's file and discussions with the complainant and his representative, we were of the opinion that although duck-hunting can certainly provide food for the table, it must, given the facts of this case, be considered to be primarily recreational. As such, the loss of the eye could not be considered to be compensable, and the decision of the Board was upheld.

The complainant was informed of our conclusion and he was advised that he could apply to the Criminal Injuries Compensation Board for compensation, although we told him that it would be difficult to establish a claim since there was no proof of criminal negligence.

The complainant was also advised that he might have a legal action against his friend or nephew, depending on who had fired the shot.

The complainant was also advised that he might be able to pursue a civil action against the two men.

(138)

SUMMARY OF COMPLAINT

This complaint was first referred to us by a member of the Legislature.

The complainant had fractured his left kneecap at work in the summer of 1974. He was placed in a walking cast for a number of weeks. However, shortly after being placed in the cast, the complainant started to complain of pain in his right hip. After the cast was removed from the left leg, the pain in the right hip increased.

The hip condition was found to be caused by a blockage of the blood supply to the hip.

The left knee problem cleared up shortly after the removal of the cast, but the right hip condition caused disablement for an extended period of time. The complainant claimed Workmen's Compensation Benefits for his right hip

disability, but the Board denied the claim on the ground that no relationship had been established between the knee and hip disability.

The complainant's contention to the Appeal Board and to us was that the two disabilities were related, since the extra weight brought to bear on the right leg caused by having the left leg in the cast, could have triggered the hip disability, or hasten the development of the symptoms.

When we received the complainant's file from the Workmen's Compensation Board, we found that the medical information contained therein was somewhat limited and rather confusing.

A number of doctors had been involved in the case, and all had put forward varying opinions. One doctor felt that the hip condition was related to a heart problem which the complainant had had two years previously. Another doctor felt that possibly a bone chip from the fractured left knee had travelled through the bloodstream, and finally blocked the blood flow to the hip, thus causing the disability.

We decided that the only way to conclusively resolve this problem was to refer the file to an independent Orthopaedic Surgeon. A prominent Toronto Orthopaedic Surgeon was consulted and in December, 1976, we received a comprehensive report which established conclusively that although, from a layman's perspective, there might be a causal relationship between the two disabilities, from a medical perspective, it was clear that the right hip condition was independent of the left knee injury.

The doctor's opinion was that although it was an unfortunate coincidence that the man's hip symptoms developed at the same time that he was recovering from the compensable knee disability, that there was no possible causal relationship between the two.

Given this unequivocal statement from the doctor, we supported the Board's decision not to grant the complainant claim for benefits.

(139)

SUMMARY OF COMPLAINT

This complaint against the Workmen's Compensation Board was referred to us by an M.P.P.

The complainant contended that he had been totally disabled due to injuries he sustained in an industrial accident 25 years ago, which he claimed resulted in continuing shoulder, back and arm problems. The complainant's claim had been considered at all levels of the Workmen's Compensation Board appeal process and was thus within our jurisdiction.

The worker received temporary total benefits for 6 weeks after his accident, temporary partial benefits of 50% for a further four weeks, and temporary total benefits for a subsequent two week period when he was admitted to the Workmen's Compensation Board Rehabilitation Centre. The complainant had then been discharged from the Board's Rehabilitation Centre as being fit for work and advised to return to work as soon as possible. However, the complainant had remained unemployed since his accident approximately 25 years ago and he had been consistently denied further benefits.

The complainant was interviewed in Italian by our Investigator and the complainant's family physician was also interviewed. The entire Workmen's Compensation Board file was carefully reviewed and the secretary of the Workmen's Compensation Board was contacted regarding the Board's policies with respect to Vocational Rehabilitation and Psychiatric disability 25 years ago.

Our investigation revealed that the complainant had suffered a compensable accident in the course of his employment 25 years ago. At that time, while he was shovelling rubble off a roof, he was struck by a blow on the left arm by a pick in the hands of another workman. The injuries were diagnosed as contusions to the left forearm and elbow.

He was paid compensation benefits as outlined above, but when he was admitted to the Workmen's Compensation Board's Hospital and Rehabilitation Centre, the physicians could not find any significant physical disability.

In the course of our investigation, a review of the medical evidence on file revealed that the complainant had been treated by at least 10 doctors including at least 3 Orthopaedic Surgeons and 1 Psychiatrist. Their unanimous conclusion was that the complainant's disability was not organically based but was emotional in origin. However, these medical opinions did not conclude that his psychological problem was related to his accident. The complainant had been admitted to hospital many times during the past 25 years for minor complaints of pain in his back, abdomen and stomach and for difficulties in sleeping and anxiety. The complainant's family physician felt that there was nothing to stop the complainant from working but his own conviction that he was totally disabled. One Psychiatrist and the complainant's family physician came to the conclusion that the factors responsible for the worker's emotional problems were his personality and his whole life history. It appeared clear that the complainant's disabilities could not be attributed to the accident which occurred so long ago.

After reviewing all the evidence, we concluded that this complaint against the Workmen's Compensation Board was unjustified and that the decision of the Workmen's Compensation Board was fair and just since the complainant's problems could not in any way be related to his compensable accident of a quarter-century ago.

(140)

SUMMARY OF COMPLAINT

This complaint was referred to our Office by an M.P.P. The complainant contended that she had sustained an injury to her neck at work. After the accident, she continued to work for seven months, but was then forced to leave work because of severe pain. She applied for compen-

sation benefits, but the Board rejected her claim on the ground that there was no relationship between the pain and her work accident.

During our investigation, the entire Board file was reviewed, including the numerous medical reports. The complainant was also interviewed on several occasions. Her primary concern in connection with her claim was not retro-active benefits but that she be provided with retraining, as she was no longer capable of performing her pre-accident work.

Our investigation revealed that the worker sustained an injury to the back of her neck while working. She reported the accident to her employer immediately, but stayed at work until approximately seven months later. Immediately following her layoff, she sought the attention of a doctor because the pain was so severe.

It was the conclusion of the doctors who examined the complainant that the worker had not sustained a physical injury at the time of the accident but that she was suffering from muscle spasms which were emotional and psychological in origin. The doctors concluded that these psychogenic muscle spasms were the cause of her severe pain and inability to perform her pre-accident work. The doctors suggested that she be provided with retraining.

The psychiatric consultant at the Workmen's Compensation Board reported, in an inter-office memo, that he felt that there was a minimal relationship between the worker's disability and her accident at work. However, the Appeal Board held that because no organic injury was sustained at the time of the accident, there was no relationship between the on-going disability and the compensable accident.

We were of the opinion that the Board erred in its decision when it stated that no relationship existed between the disability and the accident, particularly in light of the opinion offered by its own consultant.

Accordingly, the Ombudsman recommended to the Board

that the complainant be granted the assistance of the Rehabilitation Department. This recommendation was accepted, and the worker was enrolled in an upgrading program which would qualify her for a job that would not aggravate her neck problem.

In addition to granting the worker rehabilitation assistance, the Board awarded her retroactive temporary benefits amounting to approximately \$7,000 for the period of time between her layoff and the commencement of her upgrading course.

(141)

SUMMARY OF COMPLAINT

This complainant had suffered a compensable accident a number of years ago when a desk that he was helping unload from a furniture truck slipped and fell on his left leg. This particular case was complicated by the fact that the complainant had suffered a previous injury to the same leg.

The Workmen's Compensation Board awarded the complainant temporary benefits for the time lost from work as a result of the accident. Part of the treatment for the complainant's injury involved plastic surgery to his left leg. The complainant was awarded a small pension for the scarring which resulted from this corrective surgery. It was the complainant's contention that his left leg had been seriously damaged as the result of the surgery for this compensable injury.

Our investigation revealed that the complainant had suffered from a long-standing disease to the left leg. Prior to his compensable accident, a number of doctors had suggested to the complainant that amputation of his leg was the only possible solution to his problem. Our Investigator discussed the complainant's injury and subsequent surgery with a number of the doctors involved and determined that the medical consultants were unanimous in their opinion that

the complainant's persistent leg disability was attributable to a pre-existing condition rather than his compensable injury or the surgery he underwent as a result of the injury.

After reviewing all the evidence, we concluded that the complainant had been adequately compensated by the Workmen's Compensation Board for any residual disability arising out of the accident.

(142)

SUMMARY OF COMPLAINT

This complaint was brought to our attention at our private hearings in a northeastern Ontario town. The complainant stated that he had been involved in an accident at work but had been denied benefits by the Board because he operated his own business and had not applied for private coverage from the Board.

However, the complainant told us that he had not opened his own business until one month after the accident and at the time of the accident he had been working for a firm that had Workmen's Compensation Board coverage. He showed our Investigator a copy of the Review Branch's decision in his case which clearly outlined that the reason for the Board's denial of his claim was because he did not have private coverage.

Our Investigator, contacted the Ombudsman Liaison Officer at the Board and pointed out the apparent discrepancies between the facts as outlined by the complainant and the facts outlined in the Board's decision. Upon reviewing the file the Board officer felt that the case deserved further consideration and referred the file back to the Review Branch.

Approximately 2 months after our initial contact, the Review Branch informed the complainant and our Office that it had reversed its original decision and had allowed the claim.

(143)

SUMMARY OF COMPLAINT

This case was first received through a referral from the complainant's representative from the Injured Workers' Consultants.

After reviewing the documents forwarded to us, we determined that the complainant had completed the entire Workmen's Compensation Board appeal procedure. Accordingly, a letter was sent to the Chairman of the Board, informing him of the complaint and requesting a photocopy of the Workmen's Compensation Board's file.

Some months later, the Workmen's Compensation Board replied to the effect that the complainant's file had been referred to the Registrar of Appeals for further consideration prior to sending them to us. We were then informed that the Workmen's Compensation Board had decided to conduct further investigations, particularly with the view to obtaining further medical information.

We subsequently received a telephone call from the Vice-Chairman of Appeals at the Board who said that the case had been discussed further by the Commissioners who had originally ruled on the case and that a decision would be forthcoming in the near future.

When we received a copy of the Appeal Board's decision we learned that:

"The Appeal Board has noted the request from the Ombudsman asking that reconsideration be given to the decision of the Board dated March 7, 1968 with respect to the claim for additional benefits as the result of the industrial accident of July 4, 1960.

...The Appeal Board after due deliberation is prepared to extend to (the complainant) the benefit of doubt and finds the relationship between her accident of July 4, 1960 and her ongoing back disability with resulting surgery. The decision of the Board...is reversed."

(144)

SUMMARY OF COMPLAINT

This complaint was referred to us by an M.P.P.

The complainant, while working on his father's farm as a teenager about two years ago, had injured himself. At that time, he had received full compensation at the rate of \$45.55 a week (75% of his average weekly earnings before the accident).

We learned that the complainant had returned to work for his father again in 1975 but in January, 1976, he suffered another compensable accident and was, therefore, entitled to full Workmen's Compensation Benefits. However, prior to the second accident, the complainant had been earning roughly \$190.00 a week, and therefore, was entitled to compensation at the rate of \$140.25 per week, representing 75% of these earnings. The Board, however, continued to pay the complainant at the old compensation rate of \$45.55.

When we brought this information to the attention of senior officials of the Workmen's Compensation Board, the problem was promptly dealt with and shortly after our inquiries, we were informed that the complainant's weekly compensation payments had been adjusted from \$45.55 to \$140.00 a week, on an on-going basis, and that a cheque for approximately \$2,650.00 in retroactive benefits had been mailed to the complainant.

(145)

SUMMARY OF COMPLAINT

This complaint was brought to our attention during our private hearings in an eastern Ontario city. Prior to bringing this matter to our attention, the complainant had been in touch with his M.P.P. The complainant was seeking compensation from the Workmen's Compensation Board for the time he was currently losing from work, as a result of a recurrence of an injury he suffered in 1974 which was

covered by the Workmen's Compensation Board.

The complainant stated that in April, 1974, he suffered a back injury and was away from work for approximately eight or nine months. The Board allowed his claim at that time, and paid him full compensation benefits for the period he was off work. In 1975, his back began to bother him again and he stopped working. Subsequently, he underwent a spinal fusion, and in February, 1976, when he had recovered from the surgery, he returned to work. The Board allowed the complainant's claim for that layoff as well, and paid him compensation for the nine month period he was off work. In late 1976, the complainant again began to suffer problems with his back and he stopped working on September 7, 1976. By the end of November, he had still not received any money from the Board, although the Board had been informed he was off work and, according to the complainant, all the necessary forms and medical reports had been sent to the Board shortly after he had stopped working.

Our Investigator contacted the Board and found that, although all the necessary information pertaining to the complainant's current disability was indeed on file, due to an oversight the complainant's claim had not been adjudicated. Our contact with the Board prompted the immediate adjudication of the claim, and on December 9, 1976, a cheque covering the period from September 9 to December 9, 1976 was processed and sent to the complainant.

(146)

SUMMARY OF COMPLAINT

This complainant asked us in November, 1976 to determine the whereabouts of a cheque the Board had allegedly sent to him to compensate him for two days he was away from work in August, 1976.

The complainant said that in August, 1976, he was off work and was told by the Board that a cheque in the amount

of \$36.00 had been sent to him. The complainant waited a month for the cheque and when it did not arrive, he called the Board to inform them that he had not received the cheque. The Board agreed to trace the cheque, and said that if it had not been cashed, a stop payment would be put on the cheque and another cheque would be issued. He was told this process would take from two to three weeks.

When the complainant failed to receive a cheque after another one month wait, he called the Board again, and received the same reply. It was at this point that the complainant contacted our Office. Our Investigator's call to the Board prompted an immediate tracing of the cheque and by mid-December the complainant had received a replacement cheque in the amount of \$36.00.

(147)

SUMMARY OF COMPLAINT

This complainant telephoned our Office in late November stating that he had been unable to work because of a compensable accident but had received no benefits from the Workmen's Compensation Board. He was desperate and needed help.

The Board was contacted and we were advised that the employer maintained that there had not been an industrial accident. It appeared that the complainant was suffering from a kidney problem at the time of the accident and his condition initially was incorrectly diagnosed. The correct diagnosis of a lower lumbar problem which resulted in a fusion was not made until the complainant's doctor returned from vacation. As a result of these complications, it was necessary for the Workmen's Compensation Board to conduct an investigation. The investigation was completed by mid-December, and although it resulted in a decision in favour of the complainant, it was obvious to us that no funds would be forthcoming to the complainant before Christmas. We, therefore, requested that the Workmen's Compensation Board arrange for an immediate payment of \$200.00 to the complainant

and this was done.

Toward the end of the year, a sizeable cheque was sent to the complainant.

The complainant contacted us again questioning the wage rate on which the payment was based. The Board was contacted once again and it discovered that the wrong wage rate had been used and the weekly pay rate was adjusted to almost double what it had been before.

A very sizeable adjustment cheque was mailed to the complainant early in the New Year.

(148)

SUMMARY OF COMPLAINT

This complainant attended our private hearings in an eastern Ontario town and at that time spoke with one of our Workmen's Compensation Board Investigators about an incident that occurred in 1975 when she suffered an accident causing injury to her back. The Board allowed her claim and paid her compensation until she was able to return to work.

One year later, she suffered a recurrence of the back disability which was reported to the Board and supported by medical reports submitted by the complainant's physician. Six weeks after the date of her layoff, however, she had still not received any money, although she had been informed of her new claim number, the latter being a standard procedure each time a new claim is opened.

Our Investigator informed the Board that the complainant's current disability was a recurrence of her previous disability, not a result of a new accident, and that she should be paid under the prior claim file in which all the relevant information was contained. The new claim information was then amalgamated into the original claim file and no further inquiries which would cause additional delay in the adjudication of the claim were necessary. On December 9, 1976 the complainant was sent a cheque covering the period during which she had been away from work.

(149)

SUMMARY OF COMPLAINT

The complainant wrote to us saying that nine years ago he had lost his right hand as a result of an industrial accident. Since that time, he had been using a prosthesis supplied by the Workmen's Compensation Board. When the prosthesis required replacement, he contacted a member of the Board's Medical Branch and requested that authorization be sent to his hospital so that a new prosthesis could be made for him. A dispute arose between the complainant and the Board's physician, and although the Board's physician subsequently gave the necessary authorization to the hospital, the complainant had still not received his prosthesis eight months later, and the hospital had no record of having been given the authorization.

Our Investigator's contact with the Board revealed that the Board had no record of the complainant's request for a new prosthesis, but the Board agreed that the complainant's request for a new prosthesis was a reasonable one and he was fitted with a new prosthesis shortly thereafter.

(150)

SUMMARY OF COMPLAINT

This complainant contacted our Office by telephone and told us that he had suffered an industrial accident and that although the Board had allowed his claim, he had received only one cheque covering the first month he was away from work. He stated that he had received no further compensation for the next three weeks, although he was still off work.

Our Investigator's contact with the Board revealed that it was due to an oversight on the part of the Board that the complainant had not been paid further payments. Our contact prompted a payment to be issued. However, in view of the fact that Christmas was two days away, the Board agreed with our Investigator's suggestion that the complainant

be permitted to pick up the cheque in the amount of \$751.36 - four weeks worth of compensation - at the Board's Sudbury area office on December 23, 1976.

(151)

SUMMARY OF COMPLAINT

This complainant contacted our Office by telephone and stated that, although he had not recovered from his industrial accident which was covered by the Workmen's Compensation Board, the Board, for no apparent reason and without explanation, has discontinued his compensation payments one month prior to his contacting our Office.

Our Investigator's call to the Board brought to the Board's attention an error that had been made, and the complainant was sent a cheque in the amount of \$1,120.75 covering not only the four-week overdue payment but also, an additional two weeks.

(152)

SUMMARY OF COMPLAINT

This complainant attended our private hearings in an eastern Ontario city and spoke with one of our Workmen's Compensation Board Investigators there. She stated that in early 1976, she began an upgrading course at a Community College to obtain her Grade 12 Diploma. The Board's Rehabilitation Department had agreed to sponsor her in the one year course, and the complainant was receiving compensation while she attended school. In the late fall, however, well before she had completed the course, the Board discontinued its sponsorship in the course, and the complainant's compensation payments stopped.

Our Investigator contacted the Board and found that while the Board had agreed to sponsor the complainant for a full year, the Rehabilitation Counsellor assigned to this particular complainant, and who was to report to his

superiors at the Board once every three months in order for the sponsorship and compensation payments to continue, had been negligent in submitting his report on time, and consequently all action on the complainant's file at the Workmen's Compensation Board's Head Office had ceased, pending the Rehabilitation Counsellor's report.

Our Investigator's call to the Board prompted immediate action to be taken. The complainant's compensation payments were brought up to date and she was informed by her Rehabilitation Counsellor that the Board would sponsor her in the course until the spring of 1977 to allow her ample time to complete her upgrading course.

(153)

SUMMARY OF COMPLAINT

This complaint came to our attention during our private hearings in a northern Ontario town.

The complainant informed us that he had been injured in the summer of 1975. He received full temporary compensation benefits at the maximum rate of \$216.35 a week for six months. Since this accident left him with a permanent disability, he was unable to return to his pre-accident employment and instead began to work at a lesser paying job at a motel. He received partial compensation payments to compensate him for the wage loss between his pre-accident job and his new employment.

However, after working at the motel for a short time, he was forced to leave work because of his compensable problem, and was thus eligible for full temporary benefits once again.

Under section 40 of The Workmen's Compensation Act, a worker in such circumstances should receive compensation at a rate based either on his wages at the time of the original accident, or at the time of the recurrence of his injury, whichever is higher.

Thus, following his layoff from the motel, the complainant should have been paid \$216.35 a week as his wages prior to the original accident were much higher than prior to the recurrence. However, the Workmen's Compensation Board paid him compensation based on the much lower earnings while he was employed at the motel.

When we brought this matter to the attention of senior officials of the Workmen's Compensation Board, we were informed that the matter would be promptly rectified, and shortly afterwards we learned from the complainant that his compensation payments had been adjusted retroactive to the date of his layoff from the motel.

FEDERAL

(154)

SUMMARY OF COMPLAINT

This complaint came to our attention during our private hearings in an eastern Ontario town and was handled by a member of our Directorate of Rural, Agricultural and Municipal Services.

The complainant's mother had died earlier in the year and he was having difficulty clearing up her estate because of problems with two Old Age Security cheques which had been issued in his mother's name--one issued in April, 1976, was returned because of her death that month and the other issued in December, 1975, had never been received.

Although the problem concerned the Federal Government and was therefore outside our jurisdiction, we contacted the Toronto office of the Department of National Health and Welfare. It was ascertained that because of an incorrect mailing address on the April cheque, the cheque had been returned to the Old Age Security office and we asked that it be sent to the home address of the complainant who was executor of his mother's estate. With reference to the December, 1975 cheque, we asked that forms be sent to the complainant to be completed so that a tracer could be put on it.

The complainant later advised our Office that the April cheque had been received but the "tracer" forms had not yet arrived. We contacted the Federal Department of National Health and Welfare again and learned there had been some confusion in that it was felt that it was not necessary to send out the forms because the person in question had died. It was determined that the earlier cheque had been issued and deposited to the credit of the nursing home where the complainant's mother had resided.

The Supervisor of the Federal Old Age Security office offered to send an explanatory letter and a photostat of the cheque to the complainant.

LOCAL AUTHORITIES

(155) SUMMARY OF COMPLAINT

This complainant wrote to our Office and outlined a problem with respect to inadequate bus transportation for her kindergarten-aged daughter to attend a public French-speaking school. In addition to her letter, she attended our private hearings in a southern Ontario town and was interviewed by a member of our Directorate of Rural, Agricultural and Municipal Services.

Because the child had already completed one year at a French-oriented school, her parents wished her to continue her education in the French language. Since the child lived outside the town in which the French school was located, it was necessary for her to be driven to school. According to her parents, although the local Board of Education was already providing bus transportation for a large number of students who lived outside the school area, their child was the only one who was not permitted to be picked up by the school bus.

Following the interview, one of our staff contacted an official of the School Business and Finance Branch of the Ministry of Education who, in turn, contacted the local Board of Education. It was determined that the Board of Education had agreed to provide bus service for the child to attend the French school. An unsuccessful attempt had been made by one of the Board members to contact the parents to advise them of this arrangement. However, we were able to inform the complainant of the arrangement for her child.

(156) SUMMARY OF COMPLAINT

The complainant wrote to us regarding a complaint against a Public Utilities Commission. The complainant was of the opinion that the PUC should pay interest on customers' deposits.

Following our inquiries with Ontario Hydro and the Public Utilities Commission, we wrote to the complainant advising him that the Public Utilities Commission was a municipal agency and, as such, not within our jurisdiction.

However, we supplied the complainant with the following information:

- 1) The Public Utilities Act provides for the taking of customer deposits by a municipal utility;
- 2) We had been advised by the General Manager and Secretary Treasurer of the PUC that the PUC does not pay interest on customer deposits as the deposit is security against the customer leaving with a bill unpaid and that the deposits applied only to tenants and not home owners;
- 3) It is common practice for municipal utilities not to pay interest on customer deposits where the amount is not large (in our complainant's case, \$25) as the cost to calculate the interest and to process the payment is greater than the value of the interest paid.

We also advised the complainant that if he was not satisfied with the explanation provided and he wished to pursue this matter, he should make representations to his municipal government.

(157) SUMMARY OF COMPLAINT

As a result of an invitation extended by an M.P.P., members of the legal staff of our Office visited his constituency office to meet with several individuals encountering problems with land development in the local area.

The complainant was one of a number seen that date and he brought to our attention a problem concerning a plan of subdivision that was proposed for an area which he felt was inappropriate for such a plan.

We contacted the Regional Planning and Development Branch of the Regional Municipality and ascertained that the plan of subdivision had only recently been approved by a local municipality and that there were a number of problems with the plan, especially with regard to the sanitary sewage treatment facilities, the accuracy of the topographic materials that had been submitted and the layout of the lots.

During our interview with a representative of the Regional Planning and Development Branch, it became apparent that the

Regional Municipality was interested in having input from local residents concerning this matter and that the complainant should be encouraged to contact their office. The representative also indicated that the Planning Branch had not yet made its recommendation to the Regional Planning Committee on this matter and that therefore there were opportunities for the complainant to voice his concern regarding the plan of subdivision before the Regional Committee decided the issue.

We then informed the complainant of the problems that the Regional Planning and Development Branch foresaw with the plan of subdivision and suggested that he contact that Branch for further information and to express his concerns.

(158) SUMMARY OF COMPLAINT

This complainant wrote to his M.P.P. regarding an expropriation problem with a municipality. The Member later referred the case to our Office.

The complainant and his wife lived on a street which the city proposed to widen. Under The Expropriations Act, a hearing of necessity was held on March 31, 1976, and the Chairman of the hearing recommended that the city not proceed with the expropriation as, in his opinion, the taking of the land was not fair, sound or reasonable.

Nevertheless, the city, after giving consideration to the report, indicated that it intended to expropriate the land. Thus, a plan of expropriation was registered which would result in the widening of the street to within 19½ feet of the complainant's property.

The complainant indicated that the impending construction was causing his wife serious medical problems and endangering her health.

Having reviewed the existing case law, it became clear that this issue had been dealt with by the Supreme Court of Canada in the case of Walters et al and the Essex County Board of Education, (1974) S.C.R. page 481. Also upon review

of the case it became clear that the Ombudsman's jurisdiction to investigate such a case could not be invoked as the decision had been made by a local municipality which, pursuant to section 1(a) of The Ombudsman Act, 1975, is not a "governmental organization" within the Ombudsman's jurisdiction.

We advised the complainant of our lack of jurisdiction to deal with his complaint. However, we recommended that he should consider retaining a lawyer to represent him at the expropriation proceedings and also referred him to the local legal aid office.

(159)

SUMMARY OF COMPLAINT

After purchasing a house on a double lot four years ago the complainant moved to a small town with her husband and children.

The house faces west on a highway, but part of one lot and the other lot faces on an old road, which was in use before the highway was paved.

Due to a health problem, the complainant is on a restricted diet, making fresh fruit and vegetables essential.

With this in mind, the lots were landscaped and a lawn and vegetable garden planted.

The complainant was aware of a run-off of water from the east and the north, but since it drained into a culvert on the property's dividing line, no problem was posed.

Paving of the highway, however, resulted in a run-off of water over the complete property and 18 months after moving in, there was additional drainage on the lots which came about through the County's digging ditches and installing sewer pipes. The result was the washing out of the complainant's garden three times in one summer.

The complainant's husband and sons dug a ditch down the side of the garden which alleviated the drainage problem considerably. The following spring, however, silt

and gravel filled the ditch causing a severe run-off that washed out the lawn and left a considerable deposit of silt and gravel.

In the fall of 1976, the County made a gradual slope of a hill opposite the complainant's property but neglected to put grass, sod or straw on the bank to stop erosion. As a result, a worse drainage problem than ever was created.

Late in April, 1977, a foot of gravel covered the end of the complainant's vegetable garden and a covering of gravel and silt extended to the bottom of the property.

The complainant initially contacted officials of the Township and the County. Representatives of both bodies visited the complainant's property and agreed that something should be done. Each said the other was responsible and no action was taken.

The complainant made a further contact with the County office and received a promise that someone would visit her within a few days. This visit never materialized.

In the spring of 1977, the complainant wrote to our Office setting forth her problem. A member of our staff contacted a County Road Official to make inquiries and he promised immediate action.

The next day we contacted the complainant by telephone to give her the information we have received and were told that the County engineer and three workmen had just been there. The complainant said the men had shovelled the gravel from the vegetable garden and had promised to find a solution to the drainage problem.



PRIVATE

(160)

SUMMARY OF COMPLAINT

This complaint was submitted by a group of homeowners who attended our private hearings in a Northern Ontario city. Their complaint was against a private construction company. It was their contention that their homes contained many structural defects. Apparently, inspectors from the Central Mortgage and Housing Corporation (CMHC) had been contacted and asked to inspect the homes and found that there were indeed some infractions and deficiencies. These were to be corrected. According to the group, however, the corrective work had not been done.

Our researchers contacted the Ministry of Consumer and Commercial Relations to ascertain whether there were provincial regulations for the protection of homebuyers against faulty construction. We were advised that, at that time, there were not. However, officials told us that CMHC would soon be introducing a Home Warranty Program in conjunction with the Provincial Government and the Housing and Urban Development Association (HUDAC) which would offer more protection to homebuyers. (That program has since been implemented, but unfortunately, as the program is not retroactive, the complainants were not able to benefit from it.)

Since their complaint was not against a "governmental organization" as defined by The Ombudsman Act, 1975, our Office did not have the authority to formally investigate this complaint. Nevertheless, several inquiries were made on the complainants' behalf to determine what remedies might be available to them.

Our researcher contacted an official of CMHC's regional office in Sudbury who reviewed the complainants' files at our request. He indicated that a fourth and final inspection of their homes had been made at which time it was found that the construction of their homes conformed reasonably well with approved plans and specifications and complied with minimum standards. He indicated that from a review of their files it was shown that their complaints were based on infractions of a cosmetic nature rather than of a structural

nature. He also advised us that the prime concern of CMHC inspectors is to ensure that construction complies with minimum standards.

Our researchers then contacted an official of HUDAC's Toronto office. The purpose of the contact was to determine whether the construction company in question was a member of that association as HUDAC does, to some degree, police its members. The official informed us that the construction company was one of its members and that if the complainants were dissatisfied with the construction of their homes they should address their complaint in writing to HUDAC's Sudbury office. He explained that it was possible that HUDAC might launch its own investigation into the matter. The complainants were advised of this possibility and were referred to HUDAC in Sudbury.

Our researcher also contacted the Director of Building Control for the Regional Municipality of Sudbury who informed us that his department had issued the building permits for the complainants' homes. He indicated that his inspectors had made spot checks from time to time and had noted certain infractions on the part of the construction company. Whenever the infractions were noted, they were brought to the attention of the builder who was to correct them to comply with building code standards.

The last inspection took place in May, 1976, and it was the Director's understanding that the construction company had instituted such repairs as were needed in order to conform with the building code standards. He asked us to advise the complainants that if they were still dissatisfied that they should address their complaints to him directly and he would be more than happy to look into the matter. The Director's name, address and telephone numbers were supplied to the complainants.

We sent all this information to the complainants in a letter dated July 20, 1976. As a final alternative, we suggested that they retain the services of a lawyer who would best be able to advise them as to their legal rights in this matter.

(161)

SUMMARY OF COMPLAINT

This complaint was against a recreational summer camp. The complainant contended that her daughter was not admitted to the camp because she had a learning disability. Although this complaint was clearly outside our jurisdiction, we attempted to resolve this matter for the complainant on an informal basis. We were informed of this complaint in early August, and the child was hoping to attend camp during the last two weeks of August.

A member of our staff met with the complainant and learned that she had not completed the necessary medical forms for the camp in February, as she did not have enough money to accompany the application. As a result, she had not sent her daughter's application to the camp until July, at which point she had been informed that the camp could not accept her daughter. The complainant later had a friend contact a worker at the camp to inquire why the child had not been accepted and she was informed that the rejection was because the child had a learning disability.

A few days after receiving the complaint, a member of our staff contacted the Director of the camp. He explained that they had been receiving applications for the summer session since January of that year and that the camp was almost entirely filled by May. He said that they had not received the complainant's application until July, by which time the girls' section of the camp was entirely filled and the waiting list had been cut off. The Director informed us that his list was later opened and that the child's name was nearing the top of the list.

Four days later, our Investigator again contacted the camp and was informed that they had room for the complainant's daughter. We contacted the complainant and informed her that the camp now had room for her daughter.

(162)

SUMMARY OF COMPLAINT

This woman's problems began in April, 1976, as a result of an idea she had to conserve energy. After viewing a television program outlining various means of reducing the need for fossil fuels, she decided to buy a wood cooking stove as advertised in a catalogue from a firm in Winnipeg, Manitoba. However, when it arrived she was disappointed in the quality and felt sure it was not the stove that had been advertised in the catalogue and for which she had already paid \$450.

When she spoke with a member of our Office at our private hearings in a Northern Ontario town, she had already attempted to obtain some assurance from the supplier that if she returned the item, she would receive full reimbursement. However, the supplier refused her request. She had also contacted the Thunder Bay District Office of the Ministry of Consumer and Commercial Relations who had referred her to an official in the Federal Department of Consumer and Corporate Affairs.

The matter was then handed over to the Department's Winnipeg office but the complainant was of the opinion that their efforts would also be in vain.

Notwithstanding the fact that the complaint fell outside our jurisdiction, our Investigator contacted the Winnipeg office and was able to speak with an official who indicated he would give the matter his personal attention. A few days later, the official indicated that he had persuaded the wood stove supplier to refund the total cost of the stove to the complainant.

On December 17, 1976, the complainant informed us that she had received a full refund for the stove.

(163)

SUMMARY OF COMPLAINT

This complainant attended our private hearings in a Northern Ontario town. The problem she raised with one of our staff members was that she had incurred a medical bill

while she was on holidays in Florida where she had been hospitalized for a brief period. Although her provincial health insurance coverage had paid 100% of the \$1,363.60 bill, she had already paid \$288.50 to the American hospital before she returned to Canada and she was experiencing difficulties in receiving reimbursement from the hospital.

Our Investigator explained our lack of jurisdiction in this matter but since the complainant's English was poor and she told us that she found it difficult to write, we offered to assist her.

Our Investigator then communicated with the hospital in Florida and received a reply within a short time from the Credit Manager who indicated that a cheque for the overpayment would be forwarded to the complainant within 15 days.

Within one month, the complainant wrote to us saying that she had received the reimbursement.

(164) SUMMARY OF COMPLAINT

The complainant's father informed us that about a year before, his son had worked for a carpet cleaning company for approximately two days and had not yet received payment for the time he worked. His son approached the Employment Standards Branch of the Ministry of Labour but without success.

Our Investigator contacted the President of the company who stated that he was willing to pay the wages; however, as no contract of employment had been drawn up, he would require the specific dates worked by the complainant. This information was supplied to the president of the company who subsequently issued a cheque in the amount of \$34.20 as payment of the boy's wages.

(165) SUMMARY OF COMPLAINT

On October 22, 1976, Dr. Randall Ivany, the Ombudsman of Alberta, forwarded to our Office a complaint relating to the

purchase of a motor vehicle by an Alberta resident from a dealership situated in Ontario.

According to the complainant's lawyer, the complainant deposited \$1,500 on a 1974 Thunderbird with a firm in Ontario in October, 1974. Apparently there was some problem with financing and, as a result, the complainant never took possession of the vehicle. When he demanded the return of his deposit, the firm failed to comply and the complainant sought the services of a lawyer.

From the correspondence submitted to our Office by the lawyer, he appeared to have had difficulty in obtaining instructions from his client who had moved to Alberta. An offer of settlement of \$490.00 appeared not to have been proceeded with.

Although this complaint was a private matter and did not fall within the jurisdiction of either the Alberta or the Ontario Ombudsman, we agreed to make inquiries on the complainant's behalf to ascertain if there was any way that the Ministry of Consumer and Commercial Relations could assist him in resolving his dispute with the Ontario firm. On November 10, 1976, our Director of Research wrote to the Registrar of Motor Vehicle Dealers Branch, Business Practices Division, Ministry of Consumer and Commercial Relation, explaining the problem and commenting that we would appreciate it if someone from that Branch could look into the matter to see if anything could be done to assist the complainant with the recovery of his deposit or at least part of it.

On November 25, 1976, the Registrar replied and advised us that his Branch had contacted the dealership involved and had also had discussions with the law firm representing the complainant. On January 7, 1977, the Registrar telephoned our Director of Research to advise him that he had written the lawyer who represented the firm and was awaiting a reply. He also advised us that the \$1,500 deposit was still being kept in the firm's trust account. By letter dated February 18, the Registrar advised our Office that the complainant had accepted a settlement in the amount of \$750 and that the firm had been requested to send a cheque in this amount directly to the

complainant in Alberta.

The Alberta Ombudsman was advised of the settlement of this case and we wrote to the Registrar of the Motor Vehicle Dealers Branch thanking him for his excellent co-operation.

(166) SUMMARY OF COMPLAINT

The complainant, who was working part-time at the Post Office, requested our assistance in obtaining a change in her shift. The shift change was requested so that she could retain custody of her child in a separation proceeding. She was being represented in the proceedings by a lawyer who referred her to us.

The complainant said that she had asked her union to help her but it was unable to assist her because of its work involving many other employees who were requesting transfers as a result of the closing of a large Post Office branch.

Although this problem was outside of our jurisdiction, one of our staff members contacted the Personnel Staff Relations Officer at the Central Post Office. We relayed to him the information given to us by the complainant and stated that we felt that her request was sincere. We added that we had seen legal documents concerning the complainant which suggested that the complainant should obtain a shift transfer if she wished to retain custody of her child. The Personnel Officer stated that he would check into the matter immediately to see if there was anything he could do. He said that as far as he was concerned he saw no reason why the shift change could not be arranged on compassionate grounds.

Subsequently, the complainant contacted us and said that she had been given the shift change.

(167) SUMMARY OF COMPLAINT

The complainant, an inmate in a provincial correctional institute, wrote to us about a landlord-tenant dispute that

his wife was having with her landlady.

Our Investigator, while at the Guelph Correctional Centre, met with the complainant to discuss the problem and then met with the inmate's wife to obtain all relevant information pertaining to the landlord-tenant dispute.

We decided that the complainant's wife should be interviewed by a worker from the Guelph Community Service Centre who would explain her rights under The Landlord and Tenant Act. Her rights were explained to her by a volunteer representative from the Agency who also suggested that if the problem persisted, the complainant's wife should consider seeking legal counsel.

The following afternoon our Investigator accompanied the complainant's wife to meet with her landlady. At that meeting, our Investigator give the landlady a copy of The Landlord and Tenant Act which contained explanations of tenants' rights with regard to possible eviction. Under the Act, a landlord must give proper notice before evicting a tenant.

We suggested to the landlady that the complainant's wife should pay the rent arrears owing plus one month's rent in advance and that both of them should try to communicate in a more open way. The landlady's concerns seemed to centre on the complainant's guard dog. Our Investigator then inspected the area where the dog was to be kept during the wife's working hours and suggested to the complainant's wife that she shorten the chain at least by two feet. By doing this, we felt that the dog could not bite or harm anyone.

We also suggested that a sign be posted warning of the danger of going near the dog.

Although this matter was outside our jurisdiction, this problem was resolved to the mutual satisfaction of the complainant's wife and her landlady.

SAMPLES OF LETTERS

SENT TO COMPLAINANTS

IN NON-JURISDICTIONAL CASES



The Ombudsman | Ontario

SUITE 600
65 QUEEN STREET WEST, TORONTO, ONTARIO
M5H 2M5
TELEPHONE (416) 362-7331

Dear Sir:

On Wednesday, September 22nd, during the private hearings in Goderich, you discussed with us your complaint concerning the Ontario Milk Marketing Board and the Ontario Ministry of Agriculture and Food in the matters of quotas and the IMPIP program.

As indicated to you in our discussions on September 22nd, I would like to reiterate that your complaint has been brought to us prematurely. Section 15(4) of The Ombudsman Act, 1975, states:

"Nothing in this Act empowers the Ombudsman to investigate any decision, recommendation, act or omission,

(a) in respect of which there is, under any Act, a right of appeal or objection, or a right to apply for a hearing or review, on the merits of the case to any court, or to any tribunal constituted by or under any Act, until that right of appeal or objection or application has been exercised in the particular case, or until after any time for the exercise of that right has expired."

In summary, therefore, the Ombudsman is not entitled to look into any complaint of any person until all avenues of appeal have been exhausted.

There are appeal procedures available to you under The Milk Act. I am enclosing a xerox copy of the sections of The Milk Act which refer to appeals. We have chosen to forward the sections to you rather than to paraphrase them and risk omitting an important detail.

The terms "marketing board" and "Commission" are used extensively in the sections. They are defined earlier in the Act to mean, respectively, the Ontario Milk Marketing Board and the Milk Commission of Ontario. The "Director" referred to is the Director of the Milk Industry Branch of the Ministry of Agriculture and Food.

Section 26b. refers only to regulations, either of a marketing board or of the Commission. A person affected by a regulation of either of the bodies may ask the body, in writing,

to reconsider the regulation. The marketing board or commission must then give the person requesting the reconsideration the opportunity for a hearing.

Section 26a. refers to orders, directions and decisions of the Commission, the Director or a marketing board. It provides that a person who considers himself aggrieved may ask the Director or the appropriate body to reconsider its order, direction, or decision. In this case, the board, Director or Commission may apparently reaffirm its decision without a hearing but he or it may not vary or rescind the earlier decision without a hearing if any person will be adversely affected by such a step. At a hearing held under these circumstances, the person who would be adversely affected must be a party in the hearing.

Section 26 is the general appeal section which sets out the circumstances under which a person may appeal to the Milk Commission, and the manner in which the appeal is to be commenced and to proceed.

Subsection (1) states that any person who considers himself aggrieved by an order, direction or decision of the Director may appeal in writing to the Milk Commission.

Subsection (2) states that any person who considers himself aggrieved by any order, direction, decision or regulation of a marketing board may similarly appeal to the Milk Commission. (with respect to a regulation of a marketing board, this right is in addition to the provision of Section 26b.)

Subsections (3) through (13) outline the procedural steps to be taken by the person making the appeal and by the Commission. In particular, subsection (11) indicates that at least substantial compliance with the procedural steps is necessary, and subsection (13) that a re-hearing by the Commission is also possible.

You may wish to seek legal or other advice to help you determine the most advantageous course for you to follow in pursuing your complaint, but, at any rate, I hope the information concerning the sections of The Milk Act which refer to appeals will help you to have a clearer understanding of the procedure to be followed.

The following names and addresses are provided for your guidance, should you choose to initiate an appeal:

Mr. Geo. McLaughlin,
Chairman, Ontario Milk Marketing Board,
50 Maitland Street,
Toronto, Ontario, M4Y 1C1.

Mr. K. A. McEwen,
Chairman, Milk Commission of Ontario,
7th Floor, 1200 Bay Street,
Toronto, Ontario.

A file has been opened in relation to your complaint and I invite you to contact us again after you have fully exercised your appeal rights, if you wish to do so. In the event of future correspondence with our office, please quote your file number.

Yours very truly,



The Ombudsman | Ontario

SUITE 600
65 QUEEN STREET WEST, TORONTO, ONTARIO
M5H 2M5
TELEPHONE (416) 362-7331

Dear Madam:

Further to our letter of November 5, 1976, we have now carefully reviewed your complaint concerning the publication of your book by a publishing company.

As outlined in your letter, the following appear to be the main points of your grievance:

- 1) The publisher did not abide by the regulations concerning their grant from the Ontario Government, namely, to promote aspiring new Canadian writers. Instead, this company used the money to aid established writers, many of whom were on the Board of Directors;
- 2) The publisher used much of the money on a book which promoted crime at a time when, in your opinion, the Ontario Government was publicly "taking a stand against crime;"
- 3) The publisher took your manuscript without your permission and delayed publication for five years. When they did publish it, it was not under the title which you wished; and
- 4) After the book was published, the company did not properly promote its sale and deliberately made its availability difficult.

Regrettably, this is a private matter and, as such, not within the jurisdiction of the Ombudsman.

The Ombudsman Act empowers the Ombudsman to

"investigate any decision or recommendation made or any act done or omitted in the course of the administration of a governmental organization and affecting any person or body of persons in his or its personal capacity."

Governmental organization has been defined to mean

"a Ministry, commission, board or other administrative unit of the Government of Ontario, and includes any agency thereof."

Inasmuch as this publishing house does not constitute a governmental organization within the meaning of The Ombudsman Act, we are unable to investigate its actions.

Nevertheless, a member of our staff contacted the Ontario Arts Council, an agency of the Ministry of Culture and Recreation. It is this body within the provincial government which allocates grants to publishing companies to promote Canadian authors. Miss Carole Grubb advised us that applications must be made by publishing companies yearly and that there are three types of assistance the Ontario Arts Council will give. A publishing company may obtain the following grants:

- 1) A grant which assists a company in the actual production costs of Canadian books. This amount may vary from \$1,500 to \$15,000;
- 2) A writer's reserve which is given to the publishing company to provide assistance to the Canadian writers which the company itself feels worthy of this assistance. The company need not necessarily publish the works of these writers. The amount of this grant is from \$1,500 to \$15,000; and
- 3) A marketing grant given to the publishing company for the promotion of a Canadian series or for special marketing requirements. The amount of this grant is approximately \$200 to \$2,000.

Miss Grubb advised us that, while the Arts Council allocates these grants, it is up to the discretion of the publishing company as to what Canadian writers it would like to promote and how it would like to promote them.

However, Miss Grubb advised us that if a writer has a complaint with respect to use of these funds by a publishing company, he/she may contact the Film, Photo and Literary Officer of the Ontario Arts Council. His address is as follows:

Mr. R. Evans
Film, Photo and Literary Officer
Ontario Arts Council
Suite 500, 151 Bloor Street West
Toronto, Ontario M5S 1T6
Telephone: (416) 961-1660

In addition, we note that you have retained the services of a lawyer to look into this matter for you. We would advise you to seek further advice as to what legal recourse you may have.

We hope that this problem will be resolved to your satisfaction. In the event of any future correspondence with this Office, please be sure to quote our file reference number.

Yours very truly,



The Ombudsman | Ontario

SUITE 600

65 QUEEN STREET WEST, TORONTO, ONTARIO

M5H 2M5

TELEPHONE (416) 362-7331

Dear Madam:

This will acknowledge your telephone conversation with Mr. Steven Howarth and Mr. Glenn Hainey of our Office on September 24, 1976.

As I understand it, your complaint is against a private employer for requiring job applicants to submit to lie detector tests as a prerequisite to employment. You are asking for legislative changes to stop this invasion of privacy.

Although I appreciate your desire to make these recommendations known, we must point out the limitations of our jurisdiction.

The Ombudsman Act, 1975, empowers the Ombudsman to

"investigate any decision or recommendation made or any act done or omitted in the course of the administration of a governmental organization and affecting any person or body of persons in his or its personal capacity."

Governmental organization has been defined to mean

"a Ministry, commission, board or other administrative unit of the Government of Ontario and includes any agency thereof."

As you can see, our jurisdiction does not extend to effecting of general legislative change and, while I am not empowered to do anything about the problem, I must say that I share your point of view.

Mr. Steven Howarth of our staff has gathered together information that you might find useful.

Research into the area shows the trend in Canadian labour very often mirrors trends in the United States. A brief look at the American position may illuminate the problem.

People in both the public and private sectors are finding that some employment hinges upon their submission to polygraph and psychological testing. There are many instances of the polygraph being used in commercial enterprises. For instance, a New York based retail chain apparently employed two teams of polygraph operators to travel to different stores, surprise the employees and question them about pilferage. FBI agents are reported to have utilized lie detectors on State Department officials in an effort to locate the sources of news leaks.

Because the use of the polygraph is growing in the labour context, three main areas of criticism become apparent:

1. Challenges to the reliability and validity of such testing;
2. Concern about the availability and dissemination of the data;
3. Fear of the loss of personal liberties through invasion of privacy.

Employment screening tests in industry and government are broad overviews of the individual's personality and personal life.

Their aim is to determine whether or not the applicant is suitable for hiring. The scope of the examination is therefore much greater than in criminal investigations. While use of the polygraph in criminal investigations poses problems with regard to reliability, its use in the employment industry creates a greater invasion of privacy due to the scope of the examination itself.

In pre-employment screening, a number of areas are touched upon to determine the individual's normal response and to illuminate problem areas. Questions are generally about honesty, past work record, job attitude and underlying motives of the applicant, mental or physical problems, family difficulties, accidents, personal habits, personal associations and political activity. This type of probing leads to a fundamental criticism of polygraph use in this content--a civil liberation objection. One writer has flatly stated: "The dignity of man is the issue."

Other labour uses include periodic screening of employees and assisting in promotion decisions. Arbitration tribunals have argued against this use on the basis of its unproven reliability and the infringement of civil liberties that result. Martin Markson in "A Re-Examination of the Rule of Lie Detectors in Labour Relations" argues against widespread and compulsory use of the polygraph in industry.

He points not only to the question of the validity of the polygraph but also the basic constitutional and legal principles involved. It violates the basic privilege against self-incrimination which is accorded criminal investigations and trials as well as the basic presumption of innocence. With regard to the latter, he states:

"The presumption of innocence, of course, applies in labour relations. Thus in every case involving the imposition of some form of discipline upon an employee, it is the accuser, the employer, who has the burden of proving the violation with appropriate evidence."

He goes on to quote Jame. V. Altieri who put forth his position in this way:

"In the field of proper industrial relations, the philosophy is as valid as in other sociological and jurisprudential relationships, that it is better for the occasional guilty person to escape unpunished than to court the possibility through less exacting norms, not only punishing the employees with the loss of their jobs for acts of which they may not be guilty but to also place upon them what might be an insurmountable burden in getting other employment."

He says plainly that joining a parallel between courts of law and arbitral forums in the application of the privilege against self-incrimination and the presumption of innocence, plainly emanates from the fundamental concern of our legal system for fair, equitable and just application of the rules of law to all. He also points out that a pervasive concern is the right of the individual to privacy and where polygraph tests are used generally and liberally, the right to privacy is indeed being invaded.

James. P. Lambert in "Lie-Detectors in the Employment Context" notes that for employees who are not protected by collective bargaining agreements, the impact of lie detector tests may be more harmful. Despite the congressional investigation and proposed legislation, there was, at his writing, still no federal protection. (In 1975, there were only 14 states with legislation prohibiting lie detector tests in the employment context.) Lambert points out that the wording of such legislation is vital. The legislation of five states prohibits the employer from "requiring" the test and to prevent him from demanding or requiring it. Such wording has been interpreted to mean that the employer may request the tests and that the tests are permitted when considered "voluntary". He feels that both Minnesota and New Jersey have covered the area well. The former has legislation prohibiting "requiring or requesting by indirect or direct coercion and the latter outlaws influencing, requesting or requiring polygraph tests." In a New Jersey case, State v. Community Distributors Incorporated, the Courts passed upon the issue of what degree of coercion was necessary. The defendant employer claimed he had only inquired of an employee as to whether he would volunteer for testing. The Courts dismissed that argument and held:

"It is eminently clear that, although the defendant's prospective employees are only requested to submit to a lie detector test, they are, in fact, 'influenced' to do so psychologically by being introduced to an establishment where many employees take the test."

As Lambert summarizes:

"The New Jersey statute thus seemed to provide adequate protection for the individual and should serve as a model for states contemplating regulation in this area."

On June 30, 1976, the Honourable Mr. Justice Donald R. Morand submitted a report based on The Royal Commission into Metropolitan Toronto Police Practices. In this report, he made reference to the use of the polygraph in the employment context. He states:

"Although the use of the polygraph in employment screening and periodic employment testing is not within the scope of this Commission, the evidence that I heard caused me such concern that I would be remiss in not mentioning it in passing. The American experience should be examined carefully. The polygraph industry was well-established before a close scrutiny of it was undertaken. Because of the dangers and abuses implicit in denying a person the right to earn a living on the basis of this test, Minnesota has legislated a prohibition of the use of the polygraph in the sphere of employment. Other states have legislated standards for polygraph operators, and in an attempt to restrain unethical practices, have established licensing requirements. Unfortunately, except in those jurisdictions that have forbade employment testing, the scope of such tests is enlarging at an alarming rate. In Canada as well, employment testing is increasing, and in view of the conclusions one must take from a close look at the polygraph industry, it is to be sincerely hoped that our legislators will concern themselves with this issue before the regrettable American experience becomes ours."

To reiterate, this matter is outside our jurisdiction although the above remarks are intended to make clear my view of the matter. Those remarks are gathered from materials collected during a cursory research into the area for your benefit.

If you are still interested in bringing about legislative change in regard to the use of the polygraph in labour, then I might suggest that you write to:

The Honourable Bette Stephenson, M.D.
Minister of Labour
14th Floor
400 University Avenue
Toronto, Ontario

Telephone: (416) 965-4101

We hope that the above information is of some assistance to you in your efforts to have certain changes made. Should you wish to contact us again in connection with any of the above, please quote the file number.

Yours faithfully,



The Ombudsman | Ontario

SUITE 600
65 QUEEN STREET WEST, TORONTO, ONTARIO
M5H 2M5
TELEPHONE (416) 362-7331

Dear Madam:

We have now had an opportunity to complete a review of your complaint regarding your husband's difficulties.

We note that your husband's employment at a certain oil company was terminated effective August 31, 1976, as a result of psychiatric problems which you feel were indirectly caused by an explosion in which your husband was injured in May, 1973.

We note that your husband has received psychiatric treatment in the past. You feel that he is in need of psychiatric treatment now but he refuses to see his psychiatrist. His psychiatrist has declined to have him committed to a psychiatric hospital.

You feel that your husband may be entitled to receive Workmen's Compensation benefits, but that he may be unable to file a claim because of his psychiatric problems. We understand that your husband is, however, receiving long-term disability benefits from an insurance company.

We understand that you are now separated from your husband and that you have consulted a lawyer for assistance in obtaining support from your husband for yourself and your daughter. Finally, your husband has assaulted you and your daughter on past occasions and from time to time, he embarrasses your daughter by watching her school from the street.

We can well appreciate your concern that your husband receive psychiatric treatment. However, matters between a psychiatrist and his patient are private matters and are not within our jurisdiction.

The Ombudsman Act empowers the Ombudsman to

"investigate any decision or recommendation made or any act done or omitted in the course of the administration of a governmental organization and affecting any person or body of persons in his or its personal capacity."

Governmental organization has been defined to mean

"a Ministry, commission, board or other administrative unit of the Government of Ontario, and includes any agency thereof."

However, it is possible for you to swear an information before a Justice of the Peace under Section 9 of The Mental Health Act that your husband is believed to be suffering from a mental disorder and he should be examined in the interest of his own safety or the safety of others. If the Justice of the Peace is satisfied that an examination is necessary and can be arranged in no other way, he can order your husband to be examined by a psychiatrist. The examining psychiatrist may admit your husband as an involuntary patient to a psychiatric facility if he believes he is suffering from a mental disorder so as to require hospitalization in the interest of his own safety or the safety of others. You may swear an information before a Justice of the Peace at the Provincial Court (Family Division) at 311 Jarvis Street, Toronto. You should go to the Intake Department at the Family Court at this address where a social worker will interview you and assist you to swear the information.

The Family Court may also be able to assist you in obtaining support. Alternatively, your lawyer will be able to assist you in this regard if he has not already done so.

If your husband threatens or assaults you or your daughter, you can complain to the police, or you may swear an information before a Justice of the Peace that you fear your husband may injure you or your daughter. The Justice of the Peace will require your husband to appear before him and, if he is satisfied your fear is grounded, he may order your husband to enter into a recognizance or post a bond to keep the peace. If your husband then breaches the peace, he will face various penalties, including possible imprisonment.

Finally, our staff would be pleased to assist your husband in investigating any claim he might have for Workmen's Compensation benefits. However, in order to proceed, we require your husband's authorization. You indicated to a member of our staff that you did not wish your name to be mentioned in any conversation with your husband. Unfortunately, it is impossible for us to contact your husband without explaining how we became apprised of his problem and we, therefore, feel unable to proceed at this time. We can only suggest that you advise your husband to contact us, at which time, we will be pleased to review this matter again.

We hope that the above information will be of assistance to you in resolving your problem. In the event of any further correspondence relating to these matters, please be sure to quote our file number.

Yours faithfully,



The Ombudsman | Ontario

SUITE 600
65 QUEEN STREET WEST, TORONTO, ONTARIO
M5H 2M5
TELEPHONE (416) 362-7331

Dear Madam:

This will acknowledge receipt of your letter of March 8, 1977, concerning the Family Benefits which you receive from the Ministry of Community and Social Services.

It is our understanding from your letter and from your telephone conversations with Mrs. Joy Currie of our Legal Services Directorate, that you have been experiencing considerable difficulty in paying your heating bill on the allowance which you receive through your Family Benefit. Recently, you have become particularly concerned that the gas company may cut off your gas supply. You presently cannot afford to pay the arrears which have built up on your account.

In order to determine what possible action might be taken in this regard, a member of our staff contacted officials at the Provincial Benefits Branch of the Ministry of Community and Social Services.

We have been advised that a full review of your file has resulted in an increase in your fuel allowance of \$5 per month. This will bring your monthly allowance up to \$26.

In response to the concern which we expressed with regard to the possible termination of your gas supply, officials at the Provincial Benefits Branch of the Ministry have agreed to pay the arrears which have accumulated throughout January and February of 1977. A field worker will contact you shortly for copies of the bills which you received from the gas company for those two months.

We were also advised that although certain aspects of the Family Benefit Assistance Programme are currently under serious review, the programme as a whole is presently not designed to reimburse gas payments on a monthly basis. Although the present system does produce some difficulties, every effort is made to solve unusual payment problems. It was suggested to us that we advise you to resume the practice of equalized billing payments. Equalized billing is preferred by the gas company, is more efficient to administer by the Ministry and it helps to prevent the accumulation of bills which you have just experienced. We suggest that you contact their field worker with regard to this matter.

We note that in your telephone conversations with Mrs. Currie, you are also concerned about other aspects of the Family Benefits Programme. We suggest that you may wish to make your views known to the Executive Co-ordinator of the Ministry's Policy Analysis and Financial Planning Branch. In this regard, you should contact:

Mr. D. G. Heagle
Executive Co-ordinator
Policy Analysis and Financial Planning Branch
Ministry of Community and Social Services
Hepburn Block, 6th Floor
80 Grosvenor Street
Toronto, Ontario M7A 1E9

We sincerely hope that our efforts have been of some assistance to you in the resolution of your current problem. In the event of future correspondence with this Office, please be sure to include our file reference number.

Yours faithfully,



The Ombudsman | Ontario

SUITE 600
65 QUEEN STREET WEST, TORONTO, ONTARIO
M5H 2M5
TELEPHONE (416) 362-7331

Dear Sir:

After I talked to you and your lawyer, I decided to take another look at your file, because it seemed to me that it may not be necessary for you to go through the whole appeal process again. I was also confused by the Appeal Board decision of July 23, 1976, which stated that you were in receipt of benefits amounting to 40%. My confusion stemmed from the fact that the decision of the Special Assistance Review Board referred to Workmen's Compensation payments of \$57.75 a month. However, when I spoke to you, you advised me that you had now been granted a 40% pension and would be in receipt of \$229.10 a month. I, therefore, called the Workmen's Compensation Board and had a long chat with one of the senior officials. Your payment history appears to be rather confusing, but I think I finally managed to get to the bottom of it. Here is how I understand it:

You have been in receipt of a permanent disability pension of 10% since September 2, 1973. When this pension was first granted to you, it amounted to \$48.50 a month. Subsequent cost of living increases made up the \$57.75 a month to which reference was made in the decision of the Special Assistance Review Board of March 30th.

In addition, you received a 5% lump sum payment of \$544.15 in 1973, based on a two-year period only. On July 2, 1974, you were granted an additional 25% pension for a 14-month period to terminate on September 2, 1975. In other words, until your recent appeal, as of September 2, 1975, you have been in receipt of a 10% pension only.

On being reassessed by the Pensions Division at the direction of the Appeal Board, it was decided that you had entitlement to a 40% permanent disability pension, retroactive to September 2, 1975. You therefore received a lump sum payment of \$2,232.00, taking care of the retroactive portion of your pension and you will receive in future \$229.10 a month.

Since the most recent pension assessment was undertaken at the direction of the Appeal Board, it seems to me that it may not be necessary for you to go through the whole appeal process again, if you disagree with the most recent assessment. I would suggest that you ask your lawyer to write to the Appeal Board and advise the Board that you have requested the Ombudsman to investigate your claim. In order to do so, your lawyer requests confirmation on your behalf that the appeal process, as outlined in the Workmen's Compensation Act, has been completed. If the Board notifies you or your lawyer that the appeal process has

been completed, you should let me know right away and we will be glad to take a look at your claim to see if we can be of assistance. However, just in case the Board feels that you must go through the whole appeal process again, I enclose a copy of our "Guideline to the Workmen's Compensation Board Appeal Process."

As I told you over the phone, I was also in touch with the Director of Provincial Benefits of the Ministry of Community and Social Services concerning your application for a Family Benefits Allowance which had been turned down not only by the Ministry, but also by the Social Assistance Review Board. Mr. Maloney was very concerned that the reason given by the Social Assistance Review Board for denying your appeal was that you refused to undergo back surgery. He feels that you should have the right to decide whether or not you wish to undergo major surgery, and that your eligibility for family benefits should not depend on that decision. He therefore asked me to discuss this matter with the Director of Provincial Benefits, who agreed that your application should have been accepted. He arranged to have it processed once more and the result was that you were accepted for Family Benefits as an unemployable person. Though this is a victory for you, it is a rather hollow one. At the same time as the Provincial Benefits Branch decided to accept your application, the Workmen's Compensation Board also decided to increase your pension. This appeared to be considerably more than you would be able to receive in Family Benefits. If my figures are correct, your wife's C.P.P. disability allowance is \$105.66, yours is \$145.16 and your Workmen's Compensation pension is \$229.10, making a total of \$479.92. Because of your W.C.B. pension increase, the Director of Provincial Benefits of the Ministry of Community and Social Services will not proceed with your application at this time.

One more thing, I was also advised by the Workmen's Compensation Board that a copy of all the rating sheets will be forwarded to your lawyer.

I am sending a copy of this letter to your lawyer, as you asked me to, so that both of you are aware of the steps taken by the Office of the Ombudsman on your behalf and the further action on your part.

With best wishes,

Yours sincerely,



The Ombudsman | Ontario

SUITE 600
65 QUEEN STREET WEST, TORONTO, ONTARIO
M5H 2M5
TELEPHONE (416) 362-7331

Dear Sir:

This serves to acknowledge receipt of your letter dated September 8, 1976, and to confirm your wife's telephone conversation on October 4, 1976, with Miss Vera Holliad of this Office.

We have now carefully reviewed your correspondence and it appears from that review that your complaint concerns a property tax increase on your cottage which you feel is unjustified. We can well appreciate your concern in this matter. However, we must point out that yours is a municipal problem. Regrettably, the Ombudsman is not empowered to deal with municipal matters. The following relevant passages of The Ombudsman Act will indicate to you why it is beyond the Ombudsman's competence to investigate your case.

The Ombudsman Act empowers the Ombudsman to

"investigate any decision or recommendation made or any act done or omitted in the course of the administration of a governmental organization and affecting any person or body of persons in his or its personal capacity."

Governmental organization has been defined to mean

"a Ministry, commission, board or other administrative unit of the Government of Ontario, and includes any agency thereof."

However, it may be of interest to you that the Commission to Review Proposals for Property Tax Reform in Ontario is presently accepting submissions from all interested parties concerning the Ontario Government's proposals for a new system of property taxation based on market value assessment. The purpose of this review is to help ensure that the new taxation system is implemented in an efficient and equitable manner, and the Commission hopes that all Ontario residents with opinions and suggestions will manage to make representations. The proposals were originally published in the 1976 Ontario Budget, Budget Paper E, entitled "Reform of Property Taxation in Ontario." Copies of Budget Paper E containing background and explanatory information and the proposals themselves, may be obtained free of charge from Regional Assessment Offices or from Mr. Lawrence Close, Executive Secretary, Commission on Property Tax Reform, 5th Floor, Frost Building South, Queen's Park, Toronto, Ontario M7A 1X7. Telephone: (416) 965-9300. If you wish to submit a

been completed, you should let me know right away and we will be glad to take a look at your claim to see if we can be of assistance. However, just in case the Board feels that you must go through the whole appeal process again, I enclose a copy of our "Guideline to the Workmen's Compensation Board Appeal Process."

As I told you over the phone, I was also in touch with the Director of Provincial Benefits of the Ministry of Community and Social Services concerning your application for a Family Benefits Allowance which had been turned down not only by the Ministry, but also by the Social Assistance Review Board. Mr. Maloney was very concerned that the reason given by the Social Assistance Review Board for denying your appeal was that you refused to undergo back surgery. He feels that you should have the right to decide whether or not you wish to undergo major surgery, and that your eligibility for family benefits should not depend on that decision. He therefore asked me to discuss this matter with the Director of Provincial Benefits, who agreed that your application should have been accepted. He arranged to have it processed once more and the result was that you were accepted for Family Benefits as an unemployable person. Though this is a victory for you, it is a rather hollow one. At the same time as the Provincial Benefits Branch decided to accept your application, the Workmen's Compensation Board also decided to increase your pension. This appeared to be considerably more than you would be able to receive in Family Benefits. If my figures are correct, your wife's C.P.P. disability allowance is \$105.66, yours is \$145.16 and your Workmen's Compensation pension is \$229.10, making a total of \$479.92. Because of your W.C.B. pension increase, the Director of Provincial Benefits of the Ministry of Community and Social Services will not proceed with your application at this time.

One more thing, I was also advised by the Workmen's Compensation Board that a copy of all the rating sheets will be forwarded to your lawyer.

I am sending a copy of this letter to your lawyer, as you asked me to, so that both of you are aware of the steps taken by the Office of the Ombudsman on your behalf and the further action on your part.

With best wishes,

Yours sincerely,



The Ombudsman | Ontario

SUITE 600
65 QUEEN STREET WEST, TORONTO, ONTARIO
M5H 2M5
TELEPHONE (416) 362-7331

Dear Sir:

This serves to acknowledge receipt of your letter dated September 8, 1976, and to confirm your wife's telephone conversation on October 4, 1976, with Miss Vera Holliad of this Office.

We have now carefully reviewed your correspondence and it appears from that review that your complaint concerns a property tax increase on your cottage which you feel is unjustified. We can well appreciate your concern in this matter. However, we must point out that yours is a municipal problem. Regrettably, the Ombudsman is not empowered to deal with municipal matters. The following relevant passages of The Ombudsman Act will indicate to you why it is beyond the Ombudsman's competence to investigate your case.

The Ombudsman Act empowers the Ombudsman to

"investigate any decision or recommendation made or any act done or omitted in the course of the administration of a governmental organization and affecting any person or body of persons in his or its personal capacity."

Governmental organization has been defined to mean

"a Ministry, commission, board or other administrative unit of the Government of Ontario, and includes any agency thereof."

However, it may be of interest to you that the Commission to Review Proposals for Property Tax Reform in Ontario is presently accepting submissions from all interested parties concerning the Ontario Government's proposals for a new system of property taxation based on market value assessment. The purpose of this review is to help ensure that the new taxation system is implemented in an efficient and equitable manner, and the Commission hopes that all Ontario residents with opinions and suggestions will manage to make representations. The proposals were originally published in the 1976 Ontario Budget, Budget Paper E, entitled "Reform of Property Taxation in Ontario." Copies of Budget Paper E containing background and explanatory information and the proposals themselves, may be obtained free of charge from Regional Assessment Offices or from Mr. Lawrence Close, Executive Secretary, Commission on Property Tax Reform, 5th Floor, Frost Building South, Queen's Park, Toronto, Ontario M7A 1X7. Telephone: (416) 965-9300. If you wish to submit a

written presentation to Mr. Close, you must do so before the end of this month.

We would also like to advise you that there are procedures whereby you may appeal property assessments. In the event that you feel that your property was assessed at too high a value when you receive your assessment notice for 1977, you may at that time launch an appeal. The procedure is as follows: You may appeal by giving notice in writing to the Regional Registrar of the Assessment Review Court outlining the reasons for your grievance. Notice must be given within 14 days of the return of assessment rolls. The Regional Registrar will advise you of a hearing by the Assessment Review Court. You will be asked to explain at this hearing the exact nature of your complaint. When the Assessment Review Court has heard and decided a complaint, the Regional Registrar will advise you in writing.

Further appeal, should you be dissatisfied with the Assessment Review Court's decision, lies to the County Judge within 21 days of notice of the Assessment Review Court's decision being mailed to you. This appeal should be initiated by registered mail to the Regional Registrar. An appeal to the County Judge lies not only against a decision of the Assessment Review Court of an appeal to that Court, but also against any omission, neglect or refusal of that Court to hear or decide an appeal. The hearing of the appeal is considered to be in the nature of a new trial and you may produce further evidence in addition to that heard before the Assessment Review Court.

Appeals from any decision of the County Judge must be filed with the Ontario Municipal Board within 21 days of notice of the Judge's decision being mailed. This appeal should be initiated by notice by registered mail to the Secretary of the Ontario Municipal Board.

Where an assessment is in an amount of \$50,000 (or more) or has been increased by the Assessment Review Court to an amount of \$50,000 (or more) and where no appeal is taken to the County Judge, an appeal also lies to the Ontario Municipal Board within 21 days of a decision of the Assessment Review Court.

In the above appeal procedures, you are entitled to legal representation. It may therefore be in your best interest to retain the services of a lawyer. If you do not have a lawyer, you may retain one either through the Lawyer Referral Service or through Legal Aid. The Lawyer Referral Service is provided by the Law Society of Upper Canada. Its address is

Lawyer Referral Service
Law Society of Upper Canada
Osgoode Hall
130 Queen Street West
Toronto, Ontario M4H 2N6
Telephone: (416) 362-4741

We hope that the above information will be of some assistance to you. If you have occasion to write this Office again, please be sure to quote our file number.

Yours very truly,



The Ombudsman | Ontario

- 761 -

SUITE 600
65 QUEEN STREET WEST, TORONTO, ONTARIO
M5H 2M5
TELEPHONE (416) 362-7331

Dear Madam :

This serves to acknowledge receipt of your letter dated September 4th, 1976.

We have now carefully reviewed your letter, and it would appear that your complaint concerns the discrepancies in the prices being charged by pharmacies for drugs.

We can understand your concern with respect to this matter. Unfortunately, this problem does not fall within our jurisdiction. The jurisdiction of the Ombudsman is limited on statute in some respects, thus precluding us from investigating certain matters that are referred to us.

The Ombudsman Act, 1975 provides in Section 15(1) that:

"The function of the Ombudsman is to investigate any decision or recommendation made or any act done or omitted in the course of the administration of a governmental organization and affecting any person or body of persons in his or its personal capacity."

Governmental organization has been defined to mean

"a Ministry, commission, board or other administrative unit of the Government of Ontario, and includes any agency thereof."

Nonetheless a member of our staff contacted the Ministry of Health to determine whether legislation exists governing the cost of drugs. We were informed by an official of the Drugs and Therapeutics Branch of the Ministry that, regrettably, no legislation as such exists, and that pharmacists may price their prescription drugs as they see fit. However, many pharmacies belong to a provincial government drug plan called the Parcost Program. The general objective of the Parcost Program is to assist the people of Ontario in obtaining prescribed pharmaceutical products of quality at a reasonable cost.

The Ministry of Health compiled and maintains a publication called the Parcost Comparative Drug Index which lists, among other things, drugs which are interchangeable, and their various prices. For instance, the drug your husband is using

is called, if one goes by its chemical name, glyburide, which is sold commercially under two different brand names. Although the two are made by different companies, they are normally interchangeable. The Parcost Index lists the price of one at \$7.63 per 100 tablets, and the other at \$7.26 per 100 tablets. A pharmacist participating in the Parcost Program would, under normal circumstances, issue you the lower priced drug unless it was specified by your doctor that you were to receive only one particular drug, in which case there would be no choice. This is one reason which may account for the difference in prices.

Another reason for a price difference is that all pharmacies charge a dispensing fee. Under the Parcost Program the maximum fee which a participating pharmacy may charge is \$2.85. It must be noted, however, that no matter what the quantity or cost of the particular drug you are buying, the dispensing fee remains the same. For example, if the cost of your prescription is \$10.00 and the pharmacy is charging the maximum \$2.85 dispensing fee, your total cost would be \$12.85. However, if the cost of your prescription is only \$2.00 you would still be charged a dispensing fee of \$2.85. Therefore, as you can see, it is much less expensive to buy prescriptions in larger quantities.

Please note that the Parcost Index lists maximum prices, which means that for competitive purposes various pharmacies may charge less than the maximum. It is therefore important to shop around before buying drugs. We suggest that you try several different pharmacies and ask how much they are charging for the drug you require and what their dispensing fee is. Pharmacies participating in the Parcost Program display signs to that effect on their doors.

If you would like more information about the Parcost Program or have any further questions relating to this problem, we suggest you contact the Ministry of Health by writing or calling:

Drugs and Therapeutics Branch,
Ministry of Health,
Hepburn Block, 8th Floor,
80 Grosvenor Street,
Toronto, Ontario.
Telephone: (416) 965-6685

It is hoped that the above information will be of some assistance to you in the clarification of this problem. If you have occasion to write to our office again, please quote our file number.

Yours very truly,



The Ombudsman | Ontario

- 763 -

SUITE 600
65 QUEEN STREET WEST, TORONTO, ONTARIO
M5H 2M5
TELEPHONE (416) 362-7331

Dear Sir:

This will acknowledge receipt of your letter of January 5th, 1977, requesting information on the possibilities of further assistance for your two foster children.

We understand from your correspondence that in addition to your own five children, you have two foster sons, who suffer from terminal muscular dystrophy. The oldest boy, Harold, receives a disability pension of \$250 a month.

In an effort to assist you in this matter, a member of our staff contacted a variety of municipal and provincial governmental agencies involved in social services to Ontario communities.

Unfortunately, we could find no other social assistance programme from which you would be able to draw further financial aid.

Since you do not indicate in your letter whether or not Bobby is receiving a foster allowance, we should point out that he is eligible to apply for one from the Children's Aid Society. If he is not receiving a CAS allowance, he is eligible for a foster allowance from the Family Benefits Branch of the Ministry of Community and Social Services. This benefit, however, would not be more than \$90 per month.

The only possibility which we could discover in terms of providing you with more assistance is the following:

If Bobby receives a foster allowance from the Family Benefits Branch of the Ministry of Community and Social Services, he may appeal to the Lieutenant Governor in Council for an Order in Council which would allow him to receive a disability benefit (instead of a foster allowance) even though he is under 18 years of age. This procedure which has been used in at least one case in the past, would raise his benefit to a maximum of \$250 per month.

If you wish to pursue this avenue of appeal for further assistance, you should contact:

Miss Valerie Spiers,
Family Benefits Branch,
Ministry of Community and
Social Services,
2195 Yonge Street, 10th Floor,
Toronto, Ontario.

It is clear that you and your family have been most generous in your involvement with Harold and Bobby over the past 11 years. We sincerely regret that we can be of no further assistance to you at this time. We will be most pleased, however, to inform you of any new avenues of appeal which develop in the future.

In the event of future correspondence with this office, please be sure to include our file reference number.

Yours very truly,



The Ombudsman | Ontario

- 765 -

SUITE 600
65 QUEEN STREET WEST, TORONTO, ONTARIO
M5H 2M5
TELEPHONE (416) 362-7331

Dear Madam:

This will confirm your telephone conversation with Mrs. Joy Currie of our Legal Services Directorate on February 16, 1977.

We understand from your letter of January 25, 1977, that on November 29, 1976, you wrote to the Old Age Security Office in Don Mills, Ontario, to inform them of your husband's death and to request that his pension be transferred to your name. On December 20, 1976, a cheque did arrive; however it was in your husband's name.

Eventually, through the help of your M.P., Mr. Stanley Darling, you contacted Health and Welfare officials by telephone. It was then discovered that your cheque was lost in the mail. You were advised that you would be sent two forms which you would have to fill out and return to the Old Age Security Office in Don Mills. You have since received and completed the forms and have sent them in. To date, however, you have not received your cheque.

With regard to your request for investigative assistance we should perhaps point out that The Ombudsman Act, 1975, empowers the Ombudsman to

"investigate any decision or recommendation made or any act done or omitted in the course of the administration of a governmental organization and affecting any person or body of persons in his or its personal capacity."

Governmental organization has been defined to mean

"a Ministry, commission, board or other administrative unit of the Government of Ontario and includes any agency thereof."

As Old Age Security is a Federal Government programme, your problem, unfortunately, is outside the Ombudsman's jurisdiction.

Nevertheless, in an effort to determine what the delay has been in issuing your cheque, a member of our staff contacted officials at the Old Age Security Office in Don Mills. We were advised that following receipt of both forms it takes approximately five to ten working days to issue a new cheque. Since that time has not yet lapsed your cheque has not completed processing. However, you should receive the cheque by February 25th, 1977 at the latest.

We sincerely hope that the above information will be of some assistance in clarifying your present situation. If you do not receive your Old Age Security cheque by February 25th, 1977, please do not hesitate to contact our office once again and we will make every effort to assist you.

In future correspondence with this office regarding this matter, please be sure to include our file reference number.

Yours very truly,



The Ombudsman | Ontario

- 767 -

SUITE 600
65 QUEEN STREET WEST, TORONTO, ONTARIO
M5H 2M5
TELEPHONE (416) 362-7331

Dear Madam:

Further to our letter of January 25th, 1977, we have now carefully reviewed your file.

It is our understanding that you are 17½ years of age. At the present time, you are living with a family, however, you find the environment oppressive. You wish financial assistance so that you may live alone and continue your schooling. Regrettably, this is a private matter and as such not within the jurisdiction of the Ombudsman.

The Ombudsman Act, 1975, empowers the Ombudsman to

"investigate any decision or recommendation made or any act done or omitted in the course of the administration of a governmental organization and affecting any person or body of persons in his or its personal capacity."

Governmental organization has been defined to mean

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We are uncertain as to the specifics of your situation. We do not know the circumstances whereby you are now living with this family and whether you have relatives whom you may contact for assistance. We would suggest that if a social worker is involved in the placement in this home, you talk to her/him with respect to this matter. If there are relatives involved, we would advise you to contact them.

However, we would like to outline for you the correspondence courses offered by the Ontario Ministry of Education.

If you are a resident of Ontario and fit into one of the following categories, you are eligible for the correspondence courses programme:

- a) a person sixteen years of age or older who is not enrolled in day classes in a public or secondary school (there is no maximum age limit for enrolment);

- b) a person who would normally be attending day school in Ontario, but cannot do so because of illness or distance from the nearest school;
- c) a person who is temporarily absent from Ontario (for a period not longer than three years);
- d) a student who is enrolled in Year 3, 4, or 5 (Grade 11, 12 or 13) of a public secondary school and whose principal agrees that correspondence courses (in some subject areas) would be an appropriate alternative to classroom attendance for that student. In this case, the principal must sign the student's application form. Final approval rests with the Chief Education Officer, Correspondence Courses.

Correspondence courses are free and you may begin a course whenever you like. You can follow your own timetable for completing assignments, and earn a certificate or credits at any time of the year.

In addition to the elementary programme, courses cover a wide range of secondary school subjects, including business and commerce, drafting, English, French, geography, German, history, social sciences, Latin, classical studies, mathematics, the sciences, and the visual arts.

In most cases, everything you need is supplied free of charge, including textbooks, supplementary reading materials, cassette tapes, records, kits for some visual arts and science courses, instruments, and the lessons themselves.

When you complete an assignment, you mail it to the Correspondence Courses office in Toronto for grading and review by a certified secondary school teacher. Your assignment is returned to you together with the teacher's comments and suggestions. While you're waiting, you move on to the next lesson.

If you would like more information, you should write to the Correspondence Courses Office, at the following address:

Correspondence Courses,
909 Yonge Street,
Toronto, Ontario, M4W 3G2.

We would suggest that you also talk to an official at the Regional Office of the Ministry of Education. The nearest Regional Office is located at the following address:

Eastern Ontario Regional Office,
Ministry of Education,
Suite 301,
1055 Princess Street,
Kingston, Ontario, K7L 1H3.
Telephone: 546-2641

If you reach the age of 18 and require financial assistance, we would like to outline for you the General Welfare Assistance Programme, often called City/County Welfare.

Municipalities can provide two types of financial assistance--general assistance and extra money for special needs. General assistance is a monthly or weekly allowance similar to Family Benefits. It is designed to cover basic living needs. In addition, there are two allowances which may be available to people needing money for special things--special assistance and supplementary aid. These allowances provide for moving, surgical, dental and optical services, artificial limbs, hearing aids, transportation (to doctors), funerals and burials, spending money for people in nursing homes, rent supplement and extraordinary needs.

The Ministry of Community and Social Services published a pamphlet--Do you need General Welfare Assistance?--which describes this programme. A copy may be obtained by contacting the Communications Branch of the Ministry of Community and Social Services. The address is as follows:

Communications Branch,
Ministry of Community and Social
Services,
7th Floor, Hepburn Block,
Queen's Park,
Toronto, Ontario,
M7A 1E9.
Telephone: (416) 965-7825

We hope that above information will be of some assistance to you in this matter. However, should you wish to contact our office again, please be sure to quote our file reference number.

Yours very truly,



The Ombudsman | Ontario

- 770 -

SUITE 600
65 QUEEN STREET WEST, TORONTO, ONTARIO
M5H 2M5
TELEPHONE (416) 362-7331

Dear Sir:

This confirms your meeting with Mr. Steve Lechnowsky of our office at our Public/Private Hearings in Huntsville, on October 27th, 1976.

We understand that your horses have Equine Infectious Anemia, and you were told by the Health of Animals Branch of Agriculture Canada that they must be destroyed.

As Mr. Lechnowsky advised you, regrettably, this is a federal matter and as such not within the jurisdiction of the Ombudsman.

The Ombudsman Act, 1975, empowers the Ombudsman to

"investigate any decision or recommendation made or any act done or omitted in the course of the administration of a governmental organization and affecting any person or body of persons in his or its personal capacity."

Governmental organization has been defined to mean

"a Ministry, commission, board or other administrative unit of the Government of Ontario and includes any agency thereof."

Nevertheless, a member of our staff contacted the Health of Animals Branch in Ottawa and spoke with Dr. D. J. Skinner, who is in charge of the Equine Infectious Anemia Program.

Dr. Skinner advised us that, under the Animal Contagious Diseases Act, horses which react positively to the coggins anemia test are ordered to be destroyed, however, compensation is provided for the owner of the diseased horses.

Nonetheless, Dr. Skinner informed us that it might be possible for you to put your horses under permanent quarantine in a safe and approved area. For further information regarding this matter, you should contact the Regional Veterinarian of the Health of Animals Branch, Agriculture Canada, Dr. McAninch. His address is as follows:

Dr. McAninch
Regional Veterinarian
Health of Animals Branch
Agriculture Canada
2nd Floor, 909 Jane Street
Toronto, Ontario
M6N 4C6
Telephone: (416) 966-6325

Dr. Skinner also advised us that the Health of Animals Branch is aware of the study paper on the coggins tests and Equine Infectious Anemia written by Dr. L. Kittleson, however, many other researchers in this area disagree with Dr. Kittleson's findings. Should you wish to obtain a different viewpoint on this matter, you might wish to contact Dr. Avery of the Animal Diseases Research Institute. His address is as follows:

Dr. Avery
Agriculture Canada
Animal Diseases Research Institute
801 Fallowfield Road
P.O. Box 11300, Station "H"
Ottawa, Ontario K2H 8P9
Telephone: 995-9800

In addition, in the event that you do not reach a satisfactory resolution to your problem with Dr. McAninch, you might wish to bring this matter to the attention of the Minister of Agriculture, the Honourable Eugene Whelan, perhaps obtaining the co-operation of your federal Member of Parliament.

We hope that this matter will be resolved to your satisfaction. However, should you wish to contact our office again, please be sure to quote the above file reference number.

Yours very truly,

APPENDICES

BILL 86

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**An Act to provide for an Ombudsman to investigate
Administrative Decisions and Acts of Officials of the
Government of Ontario and its Agencies**

THE HON. J. T. CLEMENT
Attorney General

BILL 86

1975

An Act to provide for an Ombudsman to investigate Administrative Decisions and Acts of Officials of the Government of Ontario and its Agencies

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "governmental organization" means a Ministry, commission, board or other administrative unit of the Government of Ontario, and includes any agency thereof;

(b) "minister" means a member of the Executive Council.

2. There shall be appointed, as an officer of the Legislature, an Ombudsman to exercise the powers and perform the duties prescribed by this Act.

Ombudsman

3. The Ombudsman shall be appointed by the Lieutenant Governor in Council on the address of the Assembly.

Appoint-
ment

4.—(1) Subject to this Act, the Ombudsman shall hold office for a term of ten years, but is removable at any time for cause by the Lieutenant Governor in Council on the address of the Assembly.

Tenure of
office and
removal

(2) The Ombudsman may be reappointed for a further term or terms but shall retire upon attaining the age of sixty-five years.

Reappoint-
ment
and
retirement

5.—(1) The Ombudsman shall devote himself exclusively to the duties of his office and shall not hold any other office under the Crown or engage in any other employment.

Nature of
employment

(2) *The Public Service Act* and *The Public Service Superannuation Act* do not apply to the Ombudsman.

Idem
R.S.O. 1970,
cc. 386, 387

- Salary** **6.**—(1) The Ombudsman shall be paid a salary to be fixed by the Lieutenant Governor in Council.
- Idem** (2) The salary of the Ombudsman shall not be reduced except on address of the Assembly.
- Expenses** (3) The Ombudsman is entitled to be paid reasonable travelling and living expenses while absent from his ordinary place of residence in the exercise of his functions under this Act.
- Pension**
1973, c. 152 (4) Part II of *The Legislative Assembly Retirement Allowances Act, 1973*, except sections 15 and 16, subsection 5 of section 18 and clause *a* of subsection 2 of section 19, applies, *mutatis mutandis*, to the Ombudsman in the same manner as if he were a member of the Legislative Assembly and for the purpose,
- (a) "average annual remuneration" means the average annual salary of the Ombudsman during any five years of his service, which years need not be consecutive, during which his salary was highest; and
- (b) "remuneration" means the salary of the Ombudsman.
- Temporary Ombudsman** **7.** In the event of the death or resignation of the Ombudsman while the Legislature is not in session or if he is unable or neglects to perform the functions of his office, the Lieutenant Governor in Council may appoint a temporary Ombudsman, to hold office for a term of not more than six months, who shall, while in such office, have the powers and duties and perform the functions of the Ombudsman and shall be paid such salary or other remuneration and expenses as the Lieutenant Governor in Council may fix.
- Staff** **8.**—(1) Subject to the approval of the Lieutenant Governor in Council, the Ombudsman may employ such officers and other employees as the Ombudsman considers necessary for the efficient operation of his office and may determine their salary and remuneration and terms and conditions of employment.
- Benefits** (2) The employee benefits applicable from time to time to the public servants of Ontario with respect to,
- (a) cumulative vacation and sick leave credits for regular attendance and payments in respect of such credits;

- (b) plans for group life insurance, medical-surgical insurance or long-term income protection; and
- (c) the granting of leave of absence,

apply to the permanent and full-time employees of the Ombudsman and where such benefits are provided for in regulations made under *The Public Service Act*, the Ombudsman, or any person authorized in writing by him, may exercise the powers and duties of a Minister or Deputy Minister or of the Civil Service Commission under such regulations.

(3) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Ombudsman as though the Ombudsman were a commission designated by the Lieutenant Governor in Council under section 27 of that Act.

9. The Ombudsman may lease such premises and acquire such equipment and supplies as are necessary for the efficient operation of his office.

10. The salary of the Ombudsman and the expenses required for the operation of his office are payable, until the 31st day of March, 1976, out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature.

11. The accounts and financial transactions of the office of the Ombudsman shall be audited annually by the Provincial Auditor.

12. The Ombudsman shall report annually upon the affairs of his office to the Speaker of the Assembly who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

13.—(1) Before commencing the duties of his office, the Ombudsman shall take an oath, to be administered by the Speaker of the Assembly, that he will faithfully and impartially exercise the functions of his office and that he will not, except in accordance with subsection 2, disclose any information received by him as Ombudsman.

(2) The Ombudsman may disclose in any report made by him under this Act such matters as in his opinion ought to be disclosed in order to establish grounds for his conclusions and recommendations.

Application
of Act

14. This Act does not apply,

- (a) to judges or to the functions of any court ; or
- (b) to deliberations and proceedings of the Executive Council or any committee thereof.

Function of
Ombudsman

15.—(1) The function of the Ombudsman is to investigate any decision or recommendation made or any act done or omitted in the course of the administration of a governmental organization and affecting any person or body of persons in his or its personal capacity.

Investiga-
tion on
complaint

(2) The Ombudsman may make any such investigation on a complaint made to him by any person affected or by any member of the Assembly to whom a complaint is made by any person affected, or of his own motion.

Powers
paramount

(3) The powers conferred on the Ombudsman by this Act may be exercised notwithstanding any provision in any Act to the effect that any such decision, recommendation, act or omission is final, or that no appeal lies in respect thereof, or that no proceeding or decision of the person or organization whose decision, recommendation, act or omission it is shall be challenged, reviewed, quashed or called in question.

Decisions
not
reviewable

(4) Nothing in this Act empowers the Ombudsman to investigate any decision, recommendation, act or omission,

- (a) in respect of which there is, under any Act, a right of appeal or objection, or a right to apply for a hearing or review, on the merits of the case to any court, or to any tribunal constituted by or under any Act, until that right of appeal or objection or application has been exercised in the particular case, or until after any time for the exercise of that right has expired ;
- (b) of any person acting as legal adviser to the Crown or acting as counsel to the Crown in relation to any proceedings.

Application
to S.C.O. to
determine
jurisdiction

(5) If any question arises whether the Ombudsman has jurisdiction to investigate any case or class of cases under this Act, he may, if he thinks fit, apply to the Supreme Court for a declaratory order determining the question.

Guidance
rules

16.—(1) The Assembly may make general rules for the guidance of the Ombudsman in the exercise of his functions under this Act.

(2) All rules made under this section shall be deemed to be regulations within the meaning of *The Regulations Act*. Idem
R.S.O. 1970.
c. 410

(3) Subject to this Act and any rules made under this section, the Ombudsman may determine his procedures. Procedures

17.—(1) Every complaint to the Ombudsman shall be made in writing. Mode of
complaint

(2) Notwithstanding any provision in any Act, where any letter written by an inmate of any provincial correctional institution or training school or a patient in a provincial psychiatric facility is addressed to the Ombudsman it shall be immediately forwarded, unopened, to the Ombudsman by the person for the time being in charge of the institution, training school or facility. To be
forwarded

18.—(1) If, in the course of the investigation of any complaint within his jurisdiction, it appears to the Ombudsman, Ombudsman
may
refuse to
investigate
complaint

- (a) that under the law or existing administrative practice there is an adequate remedy for the complainant, whether or not he has availed himself of it; or
- (b) that, having regard to all the circumstances of the case, any further investigation is unnecessary,

he may in his discretion refuse to investigate the matter further.

(2) Without limiting the generality of the powers conferred on the Ombudsman by this Act, the Ombudsman may in his discretion decide not to investigate, or, as the case may require, not to further investigate, any complaint if it relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than twelve months before the complaint is received by the Ombudsman, or, if in his opinion, Idem

- (a) the subject-matter of the complaint is trivial;
- (b) the complaint is frivolous or vexatious or is not made in good faith; or
- (c) the complainant has not a sufficient personal interest in the subject-matter of the complaint.

(3) In any case where the Ombudsman decides not to investigate or further investigate a complaint he shall inform the complainant in writing of that decision, and may if he thinks fit state his reasons therefor. Complainant
to be
informed

Proceedings
of
Ombudsman **19.**—(1) Before investigating any matter, the Ombudsman shall inform the head of the governmental organization affected of his intention to make the investigation.

Investiga-
tion to be
in private (2) Every investigation by the Ombudsman under this Act shall be conducted in private.

Where
hearing
necessary (3) The Ombudsman may hear or obtain information from such persons as he thinks fit, and may make such inquiries as he thinks fit and it is not necessary for the Ombudsman to hold any hearing and no person is entitled as of right to be heard by the Ombudsman, but, if at any time during the course of an investigation, it appears to the Ombudsman that there may be sufficient grounds for his making any report or recommendation that may adversely affect any governmental organization or person, he shall give to that organization or person an opportunity to make representations respecting the adverse report or recommendation, either personally or by counsel.

May
consult
minister (4) The Ombudsman may in his discretion, at any time during or after any investigation, consult any minister who is concerned in the matter of the investigation.

Must
consult
minister (5) On the request of any minister in relation to any investigation, or in any case where any investigation relates to any recommendation made to a minister, the Ombudsman shall consult that minister after making the investigation and before forming a final opinion on any of the matters referred to in subsection 1 or 2 of section 22.

Breach of
duty or
misconduct (6) If, during or after an investigation, the Ombudsman is of opinion that there is evidence of a breach of duty or of misconduct on the part of any officer or employee of any governmental organization, he may refer the matter to the appropriate authority.

Evidence **20.**—(1) The Ombudsman may from time to time require any officer, employee or member of any governmental organization who in his opinion is able to give any information relating to any matter that is being investigated by the Ombudsman to furnish to him any such information, and to produce any documents or things which in the Ombudsman's opinion relate to any such matter and which may be in the possession or under the control of that person.

Examina-
tion under
oath (2) The Ombudsman may summon before him and examine on oath,

(a) any complainant;

- (b) any person who is an officer or employee or member of any governmental organization and who, in the Ombudsman's opinion, is able to give any information mentioned in subsection 1; or
- (c) any other person who, in the Ombudsman's opinion, is able to give any information mentioned in subsection 1,

and for that purpose may administer an oath.

(3) Subject to subsection 4, no person who is bound by the provisions of any Act, other than *The Public Service Act*, to maintain secrecy in relation to, or not to disclose, any matter shall be required to supply any information to or answer any question put by the Ombudsman in relation to that matter, or to produce to the Ombudsman any document or thing relating to it, if compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure.

Secrecy
R.S.O. 1970,
c. 386

(4) With the previous consent in writing of any complainant, any person to whom subsection 3 applies may be required by the Ombudsman to supply information or answer any question or produce any document or thing relating only to the complainant, and it is the duty of the person to comply with that requirement.

Idem

(5) Every person has the same privileges in relation to the giving of information, the answering of questions, and the production of documents and things as witnesses have in any court.

Privileges

(6) Except on the trial of any person for perjury in respect of his sworn testimony, no statement made or answer given by that or any other person in the course of any inquiry by or any proceedings before the Ombudsman is admissible in evidence against any person in any court or at any inquiry or in any other proceedings, and no evidence in respect of proceedings before the Ombudsman shall be given against any person.

Protection

(7) A person giving a statement or answer in the course of any inquiry or proceeding before the Ombudsman shall be informed by the Ombudsman of his right to object to answer any question under section 5 of the *Canada Evidence Act*.

Idem
under
R.S.C. 1970,
c. E-10

(8) No person is liable to prosecution for an offence against any Act, other than this Act, by reason of his compliance with any requirement of the Ombudsman under this section.

Prosecution

Fees (9) Where any person is required by the Ombudsman to attend before him for the purposes of this section, the person is entitled to the same fees, allowances, and expenses as if he were a witness in the Supreme Court, and the provisions of any Act, regulation or rule in that behalf apply accordingly.

Disclosure of certain matters not to be required **21.**—(1) Where the Attorney General certifies that the giving of any information or the answering of any question or the production of any document or thing,

- (a) might interfere with or impede investigation or detection of offences;
- (b) might involve the disclosure of the deliberations of the Executive Council; or
- (c) might involve the disclosure of proceedings of the Executive Council or of any committee of the Executive Council, relating to matters of a secret or confidential nature, and would be injurious to the public interest,

the Ombudsman shall not require the information or answer to be given or, as the case may be, the document or thing to be produced.

Idem (2) Subject to subsection 1, the rule of law which authorizes or requires the withholding of any document, or the refusal to answer any question, on the ground that the disclosure of the document or the answering of the question would be injurious to the public interest does not apply in respect of any investigation by or proceedings before the Ombudsman.

Procedure after investigation **22.**—(1) This section applies in every case where, after making an investigation under this Act, the Ombudsman is of opinion that the decision, recommendation, act or omission which was the subject-matter of the investigation,

- (a) appears to have been contrary to law;
- (b) was unreasonable, unjust, oppressive, or improperly discriminatory, or was in accordance with a rule of law or a provision of any Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory;
- (c) was based wholly or partly on a mistake of law or fact; or
- (d) was wrong.

(2) This section also applies in any case where the Ombudsman is of opinion that in the making of the decision or recommendation, or in the doing or omission of the act, a discretionary power has been exercised for an improper purpose or on irrelevant grounds or on the taking into account of irrelevant considerations, or that, in the case of a decision made in the exercise of any discretionary power, reasons should have been given for the decision.

(3) If in any case to which this section applies the Ombudsman is of opinion, Ombudsman's report and recommendations

- (a) that the matter should be referred to the appropriate authority for further consideration;
- (b) that the omission should be rectified;
- (c) that the decision or recommendation should be cancelled or varied;
- (d) that any practice on which the decision, recommendation, act or omission was based should be altered;
- (e) that any law on which the decision, recommendation, act or omission was based should be reconsidered;
- (f) that reasons should have been given for the decision or recommendation; or
- (g) that any other steps should be taken,

the Ombudsman shall report his opinion, and his reasons therefor, to the appropriate governmental organization, and may make such recommendations as he thinks fit and he may request the governmental organization to notify him, within a specified time, of the steps, if any, that it proposes to take to give effect to his recommendations and the Ombudsman shall also send a copy of his report and recommendations to the minister concerned.

(4) If within a reasonable time after the report is made no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, in his discretion, after considering the comments, if any, made by or on behalf of any governmental organization affected, may send a copy of the report and recommendations to the Premier, and may thereafter make such report to the Assembly on the matter as he thinks fit. Where no appropriate action taken

(5) The Ombudsman shall attach to every report sent or made under subsection 4 a copy of any comments made by or on behalf of the governmental organization affected. Idem

Complainant
to be
informed
of result
of investiga-
tion

23.—(1) Where, on any investigation following a complaint, the Ombudsman makes a recommendation under subsection 3 of section 22, and no action which seems to the Ombudsman to be adequate and appropriate is taken thereon within a reasonable time, the Ombudsman shall inform the complainant of his recommendation, and may make such comments on the matter as he thinks fit.

Idem

(2) The Ombudsman shall in any case inform the complainant, in such manner and at such time as he thinks proper, of the result of the investigation.

Proceedings
not to be
questioned
or to be
subject to
review

24. No proceeding of the Ombudsman shall be held bad for want of form, and, except on the ground of lack of jurisdiction, no proceeding or decision of the Ombudsman is liable to be challenged, reviewed, quashed or called in question in any court.

Proceedings
privileged

25.—(1) No proceedings lie against the Ombudsman, or against any person holding any office or appointment under the Ombudsman, for anything he may do or report or say in the course of the exercise or intended exercise of his functions under this Act, unless it is shown that he acted in bad faith.

Idem

(2) The Ombudsman, and any such person as aforesaid, shall not be called to give evidence in any court, or in any proceedings of a judicial nature, in respect of anything coming to his knowledge in the exercise of his functions under this Act.

Idem

(3) Anything said or any information supplied or any document or thing produced by any person in the course of any inquiry by or proceedings before the Ombudsman under this Act is privileged in the same manner as if the inquiry or proceedings were proceedings in a court.

Power of
entry of
premises

26.—(1) For the purposes of this Act, the Ombudsman may at any time enter upon any premises occupied by any governmental organization and inspect the premises and carry out therein any investigation within his jurisdiction.

Notice of
entry

(2) Before entering any premises under subsection 1, the Ombudsman shall notify the head of the governmental organization occupying the premises of his purpose.

Notice to
desist

(3) The Attorney General may by notice to the Ombudsman exclude the application of subsection 1 to any specified premises or class of premises if he is satisfied that the exercise of the powers mentioned in subsection 1 might be prejudicial to the public interest.

(4) Where a notice is given under subsection 3 and in the opinion of the Ombudsman it is necessary to take an action apparently prevented by the notice, the Ombudsman may apply to a judge of the High Court for an order setting aside the notice in respect of such action and, where the judge is satisfied that such action would not be prejudicial to the public interest, he may make the order.

Order
of judge

27.—(1) The Ombudsman may in writing delegate to any person holding any office under him any of his powers under this Act except the power of delegation under this section and the power to make a report under this Act.

Delegation
of powers

(2) Every delegation under this section is revocable at will and no such delegation prevents the exercise by the Ombudsman of any power so delegated.

Delegation
is revocable

(3) Every such delegation may be made subject to such restrictions and conditions as the Ombudsman thinks fit.

Restrictions
and
conditions

(4) In the event that the Ombudsman by whom any such delegation is made ceases to hold office, the delegation continues in effect so long as the delegate continues in office or until revoked by a succeeding Ombudsman.

Continuing
effect of
delegation

(5) Any person purporting to exercise any power of the Ombudsman by virtue of a delegation under this section shall, when required so to do, produce evidence of his authority to exercise the power.

Evidence of
obligation

28. Every person who,

Offences
and
penalties

- (a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Ombudsman or any other person in the performance of his functions under this Act; or
- (b) without lawful justification or excuse, refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act; or
- (c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise of his functions under this Act,

is guilty of an offence and liable on summary conviction to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both.

Rights
under Act
do not
affect
other rights,
etc.

29. The provisions of this Act are in addition to the provisions of any other Act or rule of law under which any remedy or right of appeal or objection is provided for any person, or any procedure is provided for the inquiry into or investigation of any matter, and nothing in this Act limits or affects any such remedy or right of appeal or objection or procedure.

Commence-
ment

30. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

31. This Act may be cited as *The Ombudsman Act, 1975*.

BILL 86

An Act to provide for an Ombudsman
to investigate Administrative Decisions
and Acts of Officials of the Government
of Ontario and its Agencies

1st Reading

May 27th, 1975

2nd Reading

June 12th, 1975

3rd Reading

June 27th, 1975

THE HON. J. T. CLEMENT
Attorney General

OFFICE OF THE OMBUDSMAN

PRIVATE HEARINGS

SEPTEMBER 22, 1976 - MARCH 24, 1977

<u>HEARINGS</u>	<u># 26</u>	<u>GODERICH</u>	<u>SEPTEMBER 22/76</u>
9:30am -9:30pm		MacKay Hall Goderich	49 Interviews -22 within jurisdiction -27 not within jurisdiction

Mr. Maloney spoke evening	Medico-Legal Dinner	Attendance:200
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Hugh Edighoffer, MPP attended
hearings briefly

<u>HEARINGS</u>	<u># 27</u>	<u>LISTOWEL</u>	<u>SEPTEMBER 23/76</u>
10:00am - 9:30pm		Municipal Bldg. Listowel	30 Interviews -24 within jurisdiction - 6 not within jurisdiction

<u>HEARINGS</u>	<u># 28</u>	<u>ORILLIA</u>	<u>SEPTEMBER 29/76</u>
9:30am - 9:30pm		Council Chamber Orillia	53 Interviews(55 complaints) -28 within jurisdiction -27 not within jurisdiction
<u>HEARINGS</u>	<u># 29</u>	<u>MIDLAND</u>	<u>SEPTEMBER 30/76</u>
10:00am - 9:00pm		Municipal Council Chamber, Midland	49 Interviews(57 complaints) -19 within jurisdiction -38 not within jurisdiction
<u>HEARINGS</u>	<u># 30</u>	<u>BARRIE</u>	<u>OCTOBER 1/76</u>
10:00am - 9:00pm		Council Chamber City Hall, Barrie	54 Interviews(60 complaints) -38 within jurisdiction -22 not within jurisdiction
<u>HEARINGS</u>	<u># 31</u>	<u>PARRY SOUND</u>	<u>OCTOBER 19/76</u>
10:00am - 8:00pm		Municipal Council Chamber, Parry Sound	38 Interviews - 6 within jurisdiction -32 not within jurisdiction
Mr. Maloney spoke evening		Service Clubs plus Medical & Legal professions (Bobby Orr Arena)	Attendance: 275
Mr. Maloney spoke afternoon		Parry Sound High School Assembly	Attendance: 450

HEARINGS # 32

HAMILTON

OCTOBER 22/76

10:00am -
9:00pm

Mohawk College
Hamilton

94
87 Interviews (complaints)
-61 within jurisdiction
-31 not within jurisdiction
(1 brief on Ombudsman
jurisdiction)

Mr. Maloney
Public
Meeting
7:30pm

Mohawk College
Hamilton

Attendance: 75

MPPs attending public meeting:

Michael Davison (NDP, Hamilton Centre)
Bob MacKenzie (NDP, Hamilton East)
Ms. Virginia Edwards Cott (representative
from Dr. Stuart Smith's Riding office)
Eric Cunningham, MPP

Hon. John Smith attended hearings during
the day.

HEARINGS # 33

CAMBRIDGE

OCTOBER 28/76

10:00am -
8:00pm

Council Chamber
Cambridge City Hall

53
45 Interviews (complaints)
-17 within jurisdiction
-36 not within jurisdiction

Mr. Madoney
spoke
noon

University of Guelph
student body

Attendance: 125

Mr. Maloney
spoke
evening

Cambridge-Guelph Life
Underwriters' Assoc.

Attendance: 275

Gilles Morin
spoke noon
Oct.29/76

Guelph Rotary Club

Attendance: 150

Harry Worton, MPP attended
University when Mr. Maloney
spoke

HEARINGS # 34

BRACEBRIDGE

OCTOBER 20/76

10:00am -
8:00pm

Auditorium, Brace-
bridge Municipal
Bldg.

25
22 Interviews (complaints)
-5 within jurisdiction
-20 not within juris-
diction

HEARINGS # 35

HUNTSVILLE

OCTOBER 21/76

10:00am -
8:00pm

Auditorium, Town
Hall, Huntsville

(36
27 Interviews complaints)
- 6 within jurisdiction
-30 not within jurisdiction

HEARINGS # 36

DRYDEN

NOVEMBER 3/76

10:00am -
8:00pm

Best Western Motor
Inn, Dryden

33
31 Interviews (complaints)
- 17 within jurisdiction
- 16 not within jurisdiction

Gary Speranzini
spoke

Dryden High School
(2 grade 13, 1 law)

Attendance: 75

HEARINGS # 37

SIOUX LOOKOUT

NOVEMBER 4/76

10:00am -
8:00pm

Royal Canadian Legion
Hall, Sioux Lookout

(33
31 Interviews complaints)
-12 within jurisdiction
-21 not within jurisdiction

Gary Speranzini
spoke

Sioux Lookout High
School assembly

Attendance: 370

HEARINGS # 38

RED LAKE

NOVEMBER 4/76

10:00am -
8:00pm

The Anglican Church
Balmertown

(28
22 Interviews complaints)
-10 within jurisdiction
-18 not within jurisdiction

Gary Speranzini
spoke

Red Lake High School
(7 ind. classes)

Attendance: 200

HEARINGS # 39

MARATHON

NOVEMBER 17/76

10:00am -
8:00pm

Recreation Hall
Marathon

10 Interviews
- 4 within jurisdiction
- 6 not within jurisdiction

Gary Speranzini
spoke

Marathon District High
School assembly

Attendance: 120

HEARINGS # 40

NIPIGON

NOVEMBER 16/76

10:30am -
8:00pm

Municipal Council
Chamber, Nipigon

(12
11 Interviews complaints)
- 8 within jurisdiction
- 4 not within jurisdiction

Gary Speranzini
spoke

Red Rock District High
School

Attendance: 75

HEARINGS # 41

GERALDTON

NOVEMBER 18/76

10:00am -
8:00pm

Municipal Council
Chamber, Geraldton

30 Interviews
- 13 within jurisdiction
- 17 not within jurisdiction

Gary Speranzini
spoke

Geraldton High School
assembly

Attendance: 130 students

HEARINGS # 42

PETERBOROUGH

NOVEMBER 25/76

10:00am - 8:00pm	County Building Peterborough	(65 56 Interviews complaints) - 23 within jurisdiction - 42 not within jurisdiction
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Mr. Maloney spoke noon	Peterborough Kiwanis Club	Attendance: 150
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afternoon	Students & Faculty Sir Sandford Fleming College	Attendance: 25
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evening	Associaton of Friends Sir Sandford Fleming College	Attendance: 100
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Ken Cavanagh spoke evening	Trenton Kiwanis Club	Attendance: 50
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Gary Speranzini spoke morning	St. Peter's Catholic High School	Attendance: 40
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HEARINGS # 43

TRENTON

NOVEMBER 26/76

10:30am - 7:30pm	Council Chamber Trenton	71 Interviews (75 complaints) - 34 within jurisdiction - 41 not within jurisdiction
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Gary Speranzini spoke	Trenton High School assembly	Attendance: 500
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Hugh O'Neil, MPP attended
hearings briefly in the
evening.

HEARINGS # 44

MATTAWA

DECEMBER 9/76

10:00am -
8:00pm

Mattawa Town Hall

(26
24 Interviews complaints)
- 9 within jurisdiction
-17 not within jurisdiction

Gary Speranzini
spoke
afternoon

F.J.McElligott High
School

Attendance: 60

HEARINGS # 45

NEW LISKEARD

DECEMBER 8/76

10:00am -
8:00pm

Community Centre
New Liskeard

38 Interviews
- 14 within jurisdiction
- 24 not within "
(1 not determined)

Gilles Morin
Ken Cavanagh
Gary Speranzini
spoke

New Liskeard Secondary Total: 200 students
School

Gilles Morin
spoke

Ecole Secondaire
Ste. Marie

Total: 150

Gilles Morin
spoke
on Dec. 7

New Liskeard Agricultural Total: 100
College

HEARINGS # 46

ENGLEHART

DECEMBER 7/76

10:00am -
8:00pm

Community Centre
Englehart

(32
25 Interviews complaints)
- 20 within jurisdiction
- 12 not within "

Gary Speranzini
spoke
afternoon

Englehart High School Attendance: 60

<u>HEARINGS</u>	<u># 47</u>	<u>TORONTO WEST END</u>	<u>JANUARY 13, 1977</u>
Private Interviews 10:00 a.m.- 8:00 p.m.		Council Chamber Civic Centre	(24 interviews) - 9 within jurisdiction - 17 outside jurisdiction 26 new files
Ed Philip, M.P.P. attended.			

<u>HEARINGS</u>	<u># 48</u>	<u>SMITH'S FALLS</u>	<u>JANUARY 18, 1977</u>
Private Interviews 10:00 a.m. - 8:00 p.m.		Recreational Centre	(51 interviews) - 25 within jurisdiction - 29 outside jurisdiction 54 new files
Ken Cavanagh spoke - 9:00 a.m.		Smith's Falls District Collegiate Institute	Attendance: 400
Douglas Wiseman, M.P.P. attended.			

<u>HEARINGS</u>	<u># 49</u>	<u>BROCKVILLE</u>	<u>JANUARY 19, 1977</u>
Private Interviews 10:00 a.m. - 8:00 p.m.		City Hall	(50 interviews) - 30 within jurisdiction - 28 outside jurisdiction 58 new files
Mr. Maloney spoke 6:30 p.m.		Combined meeting Kiwanis-Rotary plus local Bar	Attendance: 75

<u>HEARINGS</u>	<u># 50</u>	<u>CORNWALL</u>	<u>JANUARY 20, 1977</u>
Private Interviews 10:00 a.m. - 8:00 p.m.		City Hall	(54 interviews) - 33 within jurisdiction - 32 outside jurisdiction 65 new files
Mr. Maloney spoke 12:00 p.m.		Lawyer's Assoc. Seigneurie Club	Attendance: 35
Gilles Morin spoke 1:20 p.m. (French)		La Citadelle Ecole Secondaire	Attendance: 500
George Samis, M.P.P. attended.			

<u>HEARINGS</u>	<u># 51</u>	<u>ATIKOKAN</u>	<u>FEBRUARY 15, 1977</u>
Private Interviews 10:00 a.m. - 8:00 p.m.		Township Council Chamber	(33 interviews) - 19 within jurisdiction - 23 outside jurisdiction 42 new files
Gary Speranzini spoke 10:15 a.m.		Atikokan High School	Attendance: 100

<u>HEARINGS</u>	<u># 52</u>	<u>FORT FRANCIS</u>	<u>FEBRUARY 16, 1977</u>
Private Interviews 10:00 a.m. - 8:00 p.m.		Council Chamber	(58 interviews) - 36 within jurisdiction - 26 outside jurisdiction 62 new files
Gary Speranzini spoke 10:15 a.m.		Fort Francis High School	Attendance: 120

HEARINGS # 53

RAINY RIVER

FEBRUARY 17, 1977

Private
Interviews
10:00 a.m. -
8:00 p.m.

Community Centre

(28 interviews)
- 18 within jurisdiction
- 12 outside jurisdiction
30 new files

Gary Speranzini
spoke 10:55 a.m.

Rainy River High
School

Attendance: 50

HEARINGS # 54

MANITOULIN ISLAND

MARCH 1, 1977

Private
Interviews
10:00 a.m. -
8:00 p.m.

The Community Centre
Mindemoya

(16 interviews)
- 9 within jurisdiction
- 11 outside jurisdiction
20 new files

Gary Speranzini
spoke 9:00 a.m.

Manitoulin Secondary
School

Attendance: 300

HEARINGS # 55

ESPANOLA

MARCH 2, 1977

Private
Interviews
10:00 a.m. -
8:00 p.m.

Recreation Centre

(19 interviews)
- 7 within jurisdiction
- 13 outside
20 new files

Gary Speranzini
spoke

Espanola High
School

Attendance: 200

HEARINGS # 56

ELLIOTT LAKE

MARCH 3, 1977

Private
Interviews
10:00 a.m. -
8:00 p.m.

Royal Canadian
Legion Hall

(31 interviews)
- 15 within jurisdiction
- 16 outside jurisdiction
31 new files

Gary Speranzini
spoke 2:30 p.m.

Elliott Lake
Secondary School

Attendance: 300

HEARINGS # 57

CHATHAM

MARCH 9, 1977

Private
Interviews
10:00 a.m.
8:00 p.m.

Council Chambers

(82 interviews)
- 44 within jurisdiction
- 46 outside jurisdiction
90 new files

Gilles Morin
spoke 6:30 p.m.

Blenheim Rotary
Club

Attendance: 38

Ellen Adams
spoke 9:10 a.m.

Chatham Collegiate
Institute

Attendance: 175

Gary Speranzini
spoke 9:15 a.m.

Chatham-Kent
Secondary School

Attendance: 400

Gilles Morin
spoke 12:15p.m.

Chatham Rotary
Club

Attendance: 100

Gary Speranzini
spoke 1:00 p.m.

John McGregor
Secondary School

Attendance: 300

Ellen Adams
spoke 1:30 p.m.

Tecumseh Secondary
School

Attendance: 100

HEARINGS # 58

TOBERMORY

MARCH 22, 1977

Private
Interviews
10:00 a.m.
8:00 p.m.

Community Hall

(18 interviews)
- 12 within jurisdiction
- 6 outside jurisdiction
18 new files

HEARINGS # 59 OWEN SOUND MARCH 23, 1977

Private Council Chambers (97 Interviews)
Interviews - 43 within jurisdiction
10:00 a.m. - - 77 outside jurisdiction
8:00 p.m. 120 new files

Robert McKessock, M.P.P. attended.

HEARINGS # 60 COLLINGWOOD MARCH 24, 1977

Private Council Chambers (48 interviews)
Interviews - 21 within jurisdiction
10:00 a.m. - - 34 outside jurisdiction
8:00 p.m. 55 new files

SPEAKING ENGAGEMENTS

for the period

December 14, 1976 to March 31, 1977

(including speaking engagements
in conjunction with hearings)

SPEAKING ENGAGEMENTS

Arthur Maloney, Q.C.
Ombudsman/Ontario

<u>Date</u>	<u>Location</u>	<u>Organization</u>	<u>Size of Audience</u>
Jan.13/77	Toronto	Ontario Sheriff & Court Registrar's Association	120
Jan.19/77	* Brockville	Combined Meeting, Kiwanis, Rotary, Bar Association	75
Jan.20/77	* Cornwall	Lawyers' Association	35
Jan.24/77	Toronto	Paul Champagne's Group	25
Jan.25/77	London	U. of Western Ontario Law School	200
Jan.31/77	Toronto	Donald MacDonald's Poli-Sci class	30
Feb.5/77	Fredericton	Canadian Bar Association	300
Feb.11/77	Toronto	Queen's University Alumni Association	65
Feb.15/77	Toronto	Sir Wilfird Laurier Collegiate	100
Feb.26/77	Toronto	Ukrainian Cultural Centre	700
Feb.26/77	Toronto	Clarke Institute Colloquium	200
Mar.4/77	Toronto	Ontario Weekly Newspapers	300
Mar.4/77	Toronto	Syd Brown Testimonial Dinner	650
Mar.5/77	Toronto	Academy of Medicine Graduation	225
Mar.12/77	North Bay	Ontario Trappers' Association	400
Mar.14/77	London	U.of T. Alumni Annual Dinner	100
Mar.28/77	London	U. of Western Ontario Law Panel	200
Mar.30/77	Toronto	Shaarei Shomayim Synagogue	300
		TOTAL	<u>4,025</u>

* Indicates speaking engagement in conjunction with hearing.

SPEAKING ENGAGEMENTS

Glenn Hainey
Executive Assistant to the
Office of the Ombudsman

<u>Date</u>	<u>Location</u>	<u>Organization</u>	<u>Size of Audience</u>
Jan.13/77	Toronto	Community & Legal Aid Services Program, Osgoode Hall	25
Jan.24/77	Toronto	Workers' Educational Association	25
Feb.16/77	Alliston	Banting Memorial High School	800
Mar. 1/77	London	U. of Western Ontario Law Class	50
Mar.2/77	Toronto	Toronto Cathay Lions' Club	40
		TOTAL	<u>940</u>

SPEAKING ENGAGEMENTS

Gilles Morin
Director of Rural, Agricultural and
Municipal Services

<u>Date</u>	<u>Location</u>	<u>Organization</u>	<u>Size of Audience</u>
Jan.11/77	Fergus	Rotary Club	60
Jan.20/77	* Cornwall	La Citadelle Ecole Secondaire	500
Feb.16/77	Windsor	Club Richilieu	125
Feb.25/77	Toronto	Ontario Retail Farm Equipment Association	400
Mar.8/77	** Blenheim	Blenheim Rotary	38
Mar.9/77	* Chatham	Chatham Rotary	100
		TOTAL	<u>1,223</u>

* Indicates speaking engagement in conjunction with hearings.

**Indicates speaking engagement in conjunction with CHATHAM hearing.

SPEAKING ENGAGEMENTS

Ellen Adams
Director of Special Services

<u>Date</u>	<u>Location</u>	<u>Organization</u>	<u>Size of Audience</u>
Mar.9/77	* Chatham	Chatham Collegiate Institute	175
Mar.9/77	* Chatham	Tecumseh Secondary School	100
Mar.15/77	Toronto	University of Toronto School	30
Mar.21/77	Peace Bridge	Association for the Mentally Retarded	90
Mar.28/77	Windsor	Local 444 UAW	50
		TOTAL	<u>445</u>

* Indicates speaking engagements in conjunction with hearings.

SPEAKING ENGAGEMENTS

Ken Cavanagh
Director of Communications

<u>Date</u>	<u>Location</u>	<u>Organization</u>	<u>Size of Audience</u>
Jan.18/77	* Smiths Falls	Smiths Falls District High School	400
Mar.3/77	Toronto	Canadian Progress Club	35
		TOTAL	<u>435</u>

* Indicates speaking engagement in conjunction with hearings.

SPEAKING ENGAGEMENTS

Kathy Cooper
Director of Research

<u>Date</u>	<u>Location</u>	<u>Organization</u>	<u>Size of Audience</u>
Jan.5/77	Toronto	North Toronto Business & Professional Women's Club	55
Jan.15/77	Toronto	Institute of Chartered Secretaries & Administrators	150
Feb.8/77	Woodstock	Woodstock Collegiate Institute	125
Mar.2/77	Toronto	St. John's Church Young Mothers' Drop-in	30
		TOTAL	360

SPEAKING ENGAGEMENTS

Brian Goodman
Director of Investigations

<u>Date</u>	<u>Location</u>	<u>Organization</u>	<u>Size of Audience</u>
Dec. 17/76	Toronto	United Synagogue Day School	100
Mar. 22/77	Kingston	Queen's University Law Class	20
		TOTAL	120

SPEAKING ENGAGEMENTS

Gary Speranzini
Director of Interview Services

<u>Date</u>	<u>Location</u>	<u>Organization</u>	<u>Size of Audience</u>
Feb.15/77	* Atikokan	Atikokan High School	100
Feb.16/77	* Fort Frances	Fort Frances High School	120
Feb.17/77	* Rainy River	Rainy River High School	50
Feb.25/77	Hamilton	YWCA	50
Mar.1/77	* Mindemoya	Mindemoya Secondary School	300
Mar.2/77	* Espanola	Espanola High School	200
Mar.3/77	* Elliot Lake	Elliot Lake High School	300
Mar.9/77	* Chatham	John McGregor Secondary School	300
Mar.9/77	* Chatham	Chatham Kent Secondary School	400
Mar.29/77	Toronto	Beta Sigma Phi Sorority	20
		TOTAL	<u>1,840</u>

* Indicates speaking engagement in conjunction with hearings.

SPEAKING ENGAGEMENTS

Milan Then
Assistant Director/Coordinator Investigations

<u>Date</u>	<u>Location</u>	<u>Organization</u>	<u>Size of Audience</u>
Jan.18/77	Aurora	Conference of Northern Affairs Personnel	25

Elizabeth Virc
Investigator - C.A.P.S.

<u>Date</u>	<u>Location</u>	<u>Organization</u>	<u>Size of Audience</u>
Feb.9/77	North Bay	North Bay Psychiatric	25

SPEAKING ENGAGEMENTS

Keith Bottin
Coordinator of Systems Development

<u>Date</u>	<u>Location</u>	<u>Organization</u>	<u>Size of Audience</u>
Mar.29/77	Toronto	ARMA	50

Eileen Couch
Executive Assistant/Argiculture - R.A.M.S.

<u>Date</u>	<u>Location</u>	<u>Organization</u>	<u>Size of Audience</u>
Mar.3/77	Toronto	Queensway Hospital Auxiliary (Bloordale-Kipling Branch)	20

Sharon Dubinsky
Investigator - C.A.P.S.

<u>Date</u>	<u>Location</u>	<u>Organization</u>	<u>Size of Audience</u>
Jan.26/77	Orangeville	Princess Elizabeth Public School	40

Donna Hall
Investigator - C.A.P.S.

<u>Date</u>	<u>Location</u>	<u>Organization</u>	<u>Size of Audience</u>
Jan.6/77	Toronto	Winston Churchill Collegiate	20
Mar.24/77	Woodstock	Oxford Regional Centre	20

Byron Pulsifer
Investigator - C.A.P.S.

<u>Date</u>	<u>Location</u>	<u>Organization</u>	<u>Size of Audience</u>
Feb.22/77	Perth/Carleton Place	Ontario Children's Aid	60







