

## Annual Report 2022-2023 – Facts and highlights

### By the numbers – cases (complaints and inquiries) received

Total cases received, April 1, 2022 – March 31, 2023: **24,551\***

**44%** of all cases were closed within one week, **54%** within two weeks

\*Note: In the first six months of fiscal 2023-2024 (April 1 to September 30, 2023), cases increased by 16% across all units.

### Cases by topic

Correctional facilities: **3,524** (p. 26)

Municipalities: General issues – **2,814** (p. 31); Closed meetings – **95** (p.37)

School boards: **794** (p. 58)

Post-secondary: Universities – **205**; colleges – **236** (p. 62); Ontario Student Assistance Program (OSAP) – **169** (p. 62)

Social services: Family Responsibility Office (FRO) – **471** (p. 46); Ontario Disability Support Program (ODSP) – **922** (p. 47); Ontario Works – **368** (p. 48)

Most complained-about organization: Tribunals Ontario – **2,043** cases, including **1,894** about the Landlord and Tenant Board (p. 29)

Cases received by Children and Youth Unit and about youth justice centres: **1,678** (p. 51)

Cases received by French Language Services Unit: **296** (p. 74)

See *also*: Top 10 case topics (p. 23) and Top 10 provincial government organizations and correctional facilities by case volume (p. 83)

### New in 2022-2023 – Complaint trends and proactive work

- Ombudsman staff helped vulnerable inmates with issues related to health care, lockdowns, a malfunctioning phone system, and access to spiritual and cultural services (pp. 26-28).
- A municipality hired an integrity commissioner and established a code of conduct after Ombudsman staff flagged that this was required by law (p. 33).
- The Ombudsman urged the City of Niagara Falls to remove a \$500 fee for complaints to the integrity commissioner, as it is “inconsistent with the primary intent of the integrity commissioner scheme” (p.34).
- The Ombudsman’s office sent updated guides to the open meeting rules to every municipal council member and clerk in the province after the October 2022 elections (p. 38).
- Ombudsman staff created specialized materials to inform students living at provincial schools for the deaf, blind, and deaf-blind, and in residential placements that use physical restraints, that they now have legislated rights to contact the Ombudsman for any reason (pp. 51-52).
- A youth justice centre changed an unfair rule that penalized young people for asking to use the washroom during school hours (p. 54).

- School boards are now required to have integrity commissioners, an important accountability measure long recommended by the Ombudsman (p. 59).
- The Ombudsman flagged complaints about two municipalities that did not provide election materials in French to the Minister of Municipal Affairs (p. 61)
- The Municipal Property Assessment Corporation rolled out an improved online process to capture information about property tax designations of support for French-language school boards (p. 61).
- Ombudsman staff worked with a university to clarify its process for complaints about freedom of expression on campus (p. 62).
- The Ministry of Transportation clarified that course providers should avoid exclusionary language after a student driver in the midst of a gender transition was “deadnamed” by an instructor (p. 69).
- Service animals are allowed in all DriveTest vehicles after a woman’s request to bring a service dog on her road test was initially denied (p. 69).
- Skilled Trades Ontario improved its phone service to provide consistent access to bilingual agents (p. 73).
- The Ministry of Natural Resources and Forestry pledged to review the fairness of its Conservation Land Tax Incentive Program after a property owner complained he had missed out on rebates (p. 78).

## **New reports on investigations**

*Lessons for the Long Term* (September 2023): The Ministry of Long-Term Care accepted all 76 of the Ombudsman’s recommendations aimed at ensuring the province is ready for the next health crisis, after his investigation revealed that the long-term care inspection system was completely overwhelmed during the first wave of COVID-19 (pp. 65-66).

*Administrative Justice Delayed, Fairness Denied* (May 2023): After finding that tens of thousands of Ontarians were denied fast, fair access to justice due to delays at the Landlord and Tenant Board, the Ombudsman made 61 recommendations to the Board, Tribunals Ontario, and the Ministry of the Attorney General; all were accepted (pp. 43-44).

*Missing In Inaction: Misty’s Story* (April 2023): The Ombudsman made 58 recommendations, all accepted, to three agencies to improve their services, training, and practices to better protect young people, after a 13-year-old Indigenous girl went missing seven times while in a foster agency’s care (pp. 54-55).

*A Voice Unheard: Brandon’s Story* (December 2022): All 18 recommendations were accepted by the Children’s Aid Society of Toronto after the Ombudsman found it failed to protect the interests of a neglected young boy in their care (pp. 55-56).

*Municipal closed meeting investigations*: The Ombudsman issued 39 reports and letters on reviews of 79 meetings in 47 municipalities. He found 21 illegal meetings and 24 procedural violations, and made 28 best practice recommendations (p. 37).

## **Ongoing investigations**

*Adults with developmental disabilities who are inappropriately housed in hospitals*: The Special Ombudsman Response Team is examining what obstacles, including access to French services, are preventing the transfer of these individuals out of hospital. It includes a review of

the progress by the Ministry of Children, Community and Social Services in implementing the recommendations in the Ombudsman's 2016 report, *Nowhere to Turn* (p. 49).

Unilingual government out-of-home advertising: The Interim French Language Services Commissioner launched an own-motion investigation into the lack of French in the provincial government's out-of-home (outdoor) advertising – the second formal investigation by the Office of the Ombudsman under the *French Language Services Act* (p. 75).

## Updates on completed investigations

*A Matter of Life and Death* (2016): Although they were initially accepted, none of the Ombudsman's 22 recommendations, including mandatory police de-escalation training, have been implemented as legislative change has stalled. The Ministry of the Solicitor General invited public input on proposed regulations in August 2023 that are along the lines of what the Ombudsman recommended (p. 25).

*Out of Oversight, Out of Mind* (2017): Most (29) of the Ombudsman's 32 recommendations to improve the tracking of inmates in solitary confinement (segregation) have been implemented, but his call for independent panels to review segregation placements remains unaddressed (p. 28).

*The Code* (2013): All but three of the 45 recommendations from this report on the excessive use of force by correctional officers have been implemented, and these are expected to be addressed when the installation of video cameras in correctional facilities is completed by the end of 2023. However, Ombudsman staff handled 104 new complaints about excessive force this fiscal year (p. 29).

*Inside Job* (2019): The Regional Municipality of Niagara implemented the last of the Ombudsman's 16 recommendations related to its 2016 hiring process for a Chief Administrative Officer (p. 36).

*Nowhere to Turn* (August 2016): All but nine of the Ombudsman's 60 recommendations to improve services for adults with developmental disabilities who are in crisis have been implemented. However, Ombudsman staff handled 100 new cases where families experienced similar issues, and the Ombudsman launched a new investigation focused on those where individuals are being housed in hospitals (p. 50).

*Lost Opportunities* (April 2022): The Ministry of Children, Community and Social Services established a working group to address the Ombudsman's 16 recommendations to improve transparency around the closure of youth custody and detention programs in the North, and took a different approach to a closure planned for 2025 (p. 56).

*Oversight 911* (2021): The Ministry of Health has implemented 29 of the Ombudsman's 53 recommendations to improve how it reviews and investigates patient complaints about ambulance services (p. 66).

*Suspended State* (2018): The Ministry of Transportation has taken varying degrees of action related to only 27 of the Ombudsman's 42 recommendations to improve notifications to drivers whose licences are suspended for unpaid fines (p. 68).

## Submissions to government

School board integrity commissioners (May 2023): The Ombudsman's submission to the Standing Committee on Social Policy proposed amendments to strengthen provisions requiring school boards to have codes of conduct and integrity commissioners (p.59).

Special constables (February 2023): The Ombudsman's submission to the Ministry of the Solicitor General proposed consistent standards for and independent oversight of special constables (p. 25).

Police de-escalation training (October 2022): The Ombudsman's submission to the Ministry of the Solicitor General reiterated his recommendations for a consistent provincial standard for training police in de-escalation techniques (p.26).

## Individual case highlights – how Ombudsman intervention helped

- An inmate was quickly scheduled to see a neurologist after he had a seizure, fell, and suffered a concussion (p. 27).
- After submitting seven requests, an inmate with extreme tooth pain finally saw a dentist to get his tooth pulled (p. 27).
- An inmate was moved to a different area after he was threatened by an inmate who was in jail for stabbing him (p. 30).
- Local housing staff reached out to a man who waited more than a year for his housing application to be approved (p. 35).
- A woman living in a shelter with her family was given an extension to submit necessary documents for benefits (p. 35).
- A family facing homelessness after a fire in their subsidized housing unit was immediately put into contact with a housing manager (p. 40).
- A municipality allowed voters to drop their mail-in ballots off at City Hall on the day of the October 2022 elections, after they received them too late to use the mail (p. 41).
- The Office of the Public Guardian and Trustee took over guardianship of a 97-year-old's property after a community support worker relayed concerns of elder abuse (p. 45).
- A single mother of a child with a disability was granted an expedited hearing with the Landlord and Tenant Board after tenants in her home, who owed \$20,000 in rent, refused to move out (p. 45).
- A woman received more than \$4,000 in spousal support payments she was owed after FRO officials failed to register a writ against her ex's property (p. 47).
- A man received a shelter allowance of \$500 so he could pay his rent, after his file was held up while being transferred between ODSP offices (p. 47).
- A woman who had been waiting six months for a decision had her ODSP application approved within days (p. 47).
- A mother received \$5,000 for her daughter's therapy from the Ontario Autism Program after submitting the forms multiple times to no avail (p. 48).
- A woman received \$22,000 in Ontario Autism Program funding for her grandson after struggling to navigate the system for two years (p. 48).

- A woman received more than \$5,700 in support owed by her former spouse, who had failed to make payments after moving to another province (p. 50).
- Staff at a youth justice centre were retrained after a youth was held in a secure de-escalation unit for 19 hours (p. 54).
- A child was readmitted to classes after her school incorrectly said she couldn't return because she needed nursing support (p. 60).
- A Francophone student who couldn't attend school due to his specific needs was able to access special programming in French (p. 63).
- A 70-year-old who had been adopted as an infant, and had no birth certificate, received a photo health card to replace her red-and-white health card (p. 65).
- An experienced driver who relocated from Malaysia to Quebec to Toronto was given the green light to get his G driver's licence without delay (p. 67).
- A man received his Ontario photo ID card after four fruitless visits to ServiceOntario (p. 70).
- A bar owner's grant application for a pandemic-related benefit was approved after she waited months for an update (p. 73).
- A man who had been waiting for months for his municipal hydro company to upgrade an accessible bedroom was finally connected with the company (p. 78).
- An environmental group was given a chance to raise concerns about a development project's unregulated grey water with government officials (p. 79).