

# The Regional Municipality of York

Committee of the Whole  
Finance and Administration  
September 10, 2020

Report of the Commissioner of Corporate Services and Regional Clerk

## Provision of Ombudsman Services

### 1. Recommendations

1. That as of January 1, 2021 the Ontario Ombudsman provide ombudsman services for York Region.
2. Notification of this decision be provided to ADR Chambers Inc., the Town of East Gwillimbury and the Ontario Ombudsman.

### 2. Summary

January 1, 2016 the jurisdiction of the Ontario Ombudsman was expanded to include any municipalities that had not appointed their own ombudsman. On [December 17, 2015](#), following a competitive process, Council appointed ADR Chambers Inc. as the Ombudsman for the Region for the period of January 1, 2016 to December 31, 2020.

Key Points:

- The Ombudsman is an office of last resort for members of the public to bring forward unresolved complaints when all other complaint processes have been exhausted
- The existing contract for Ombudsman services will expire at the end of this year
- The Ontario Ombudsman acts as the ombudsman to any municipalities that have not appointed one of their own

### 3. Background

**The Ontario Ombudsman's jurisdiction includes the municipal sector, municipal agencies and some municipal boards except where a municipality has appointed its own Ombudsman**

In 2016, the *Ombudsman Act* was amended to expand the jurisdiction of the Ontario Ombudsman to include municipalities, municipal boards and their agencies. Boards of health and police services boards were excluded from the Ombudsman's jurisdiction.

Section 223.13 of the *Municipal Act, 2001* gives municipalities the authority to appoint an ombudsman whose function is to investigate in an independent manner any decision or recommendations made or act done or omitted in the course of the administration of the municipality, its local boards and such municipally-controlled corporations as specified by the municipality.

### **The ombudsman is an office of last resort for unresolved complaints when all other complaint processes have been exhausted**

The Ombudsman cannot investigate any decision, recommendation, act or omission: (1) where there is a right of appeal or objection, or right to apply for a hearing or review by a tribunal or court until this right has been exercised; and, (2) of any legal advisor or person acting as legal counsel to the public sector.

This means that municipal services governed by other legislation with established appeal and tribunal processes, such as Ontario Works, would require the complainant to exercise and exhaust all rights established in that complaint process before the ombudsman can be engaged.

The Ombudsman may investigate where a municipality's own Ombudsman has either completed its own complaint investigation or has refused to consider a complaint.

### **The Region has used ADR Chambers as its ombudsman since 2015 following a competitive joint purchase with interested local municipalities**

An RFP was issued in October 2015 for Ombudsman services. Three firms submitted proposals and based on the scoring criteria ADR Chambers Inc. was selected as the successful proponent.

The initial term of the appointment was for five years commencing January 1, 2016 and ending December 31, 2020. Under the provisions of the joint purchase the Region pays the annual retainer on behalf of all participating local municipalities. At this time, only the Town of East Gwillimbury is still participating.

At the discretion of Council, the contract may be renewed for one additional five year term.

## **4. Analysis**

### **The Ontario Ombudsman has experience investigating complaints related to the provision of municipal services**

The Ombudsman resolves and investigates more than 20,000 public complaints every year about Ontario government organizations and municipalities, universities and school boards, as well as French language services and child protection services.

Since having its jurisdiction expanded in 2016, the Ontario Ombudsman has investigated 12,092 complaints relating to municipal services.

The Region will be well served by the Ontario Ombudsman as more than 60% of the complaints they receive are resolved in two weeks or less.

## **The Ontario Ombudsman provides ombudsman services for a majority of the local municipalities**

As shown in Table 1, eight of the nine local municipalities are already using the Ontario Ombudsman's services.

**Table 1**  
**Ombudsman Service Provider by Municipality**

<b>Municipality</b>	<b>Ombudsman Service Provider</b>
Town of Aurora	Ontario Ombudsman
Town of East Gwillimbury	ADR Chambers
Town of Georgina	Ontario Ombudsman
Township of King	Ontario Ombudsman
City of Markham	Ontario Ombudsman
Town of Newmarket	Ontario Ombudsman
City of Richmond Hill	Ontario Ombudsman
City of Vaughan	Ontario Ombudsman
Town of Whitchurch-Stouffville	Ontario Ombudsman

## **5. Financial**

There are no fees associated with using the provincial Ombudsman's service; and as such, there is no cost implications associated with the Region switching its service provider.

## **6. Local Impact**

The Town of East Gwillimbury participated in the original joint purchase and has been notified that the Region is considering changing its service provider to the Ontario Ombudsman.

## 7. Conclusion

The provincial Ombudsman will provide municipal ombudsman services if a municipality chooses not to appoint its own ombudsman. The Region appointed ADR Chambers to provide its ombudsman services in 2015 as part of a competitive joint purchase with interested local municipalities.

The existing ombudsman service agreement with ADR Chambers Inc. will expire by the end of this year and only the Town of East Gwillimbury continues to participate. Council has the discretion to renew that contract for an additional five year term.

Alternatively, the contract could be left to expire on December 31, 2020 and Ontario Ombudsman would then fill this role for the Region.

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For more information on this report, please contact Christopher Raynor, Regional Clerk at 1-877-464-9675 ext. 71300. Accessible formats or communication supports are available upon request.

Recommended by: **Christopher Raynor**  
Regional Clerk

**Dino Basso**  
Commissioner of Corporate Services

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# 11235725