

From: ["Mochrie, Paul" <Paul.Mochrie@vancouver.ca>](mailto:Paul.Mochrie@vancouver.ca)
To: ["Direct to Mayor and Council - DL"](#)
Date: 9/9/2022 5:09:46 PM
Subject: BC Ombudsperson Quarterly Report: April 1 - June 30, 2022

Dear Mayor and Council,

As you know, the Ombudsperson for BC has jurisdiction to accept and investigate complaints pertaining to local governments. As a resource for the public, the "contact us" page on the City's website specifically references the Ombudsperson's jurisdiction to address unresolved complaints and provides a link to their site.

On a quarterly basis, the Ombudsperson's office provides reports to the City of Vancouver summarizing the number of complaints received and investigations undertaken. Please find attached the latest quarterly report for the period April 1 through June 30, 2022.

If you have any questions regarding this information, please let me know.

Best,
Paul

Paul Mochrie (he/him)
City Manager
City of Vancouver
paul.mochrie@vancouver.ca

The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the xʷməθkʷəy̓əm (Musqueam), Skwxw̓ú7mesh (Squamish), and səliłwətał (Tsleil-Waututh) Nations.





OMBUDSPERSON
BRITISH COLUMBIA

Paul Mochrie
City Manager
City of Vancouver
453 W 12th Ave
VANCOUVER BC V5Y 1V4

August 15, 2022

Dear Paul Mochrie,

RE: Quarterly Reports: April 1 – June 30, 2022

This package of documents details the complaint files the Office of the Ombudsperson closed for **the City of Vancouver** between April 1 and June 30, 2022. No action is required on your part, however we hope that you will find this information useful and share it within your organization.

These reports provide information about the complaint files we closed regarding your organization within the last quarter, including both files we investigated and files we closed without investigation. Files currently open with the office are not included in these reports.

Enclosed you will find detailed reports containing the following: SLM

- A one-page report listing the number of files closed and the category under which they were closed. The categories we use to close files are based on the sections of the *Ombudsperson Act*, which gives the Ombudsperson the authority to investigate complaints from the public regarding authorities under our jurisdiction. A more detailed description of our closing categories is available on our website at: <https://bcombudsperson.ca/assets/media/QR-Glossary.pdf>.
- *If applicable*: Copies of closing summaries written about the complaint files we investigated. These summaries provide an overview of the complaint received, our investigation and the outcome. Our office produces closing summaries for *investigated* files only, and not for enquiries or those complaints we chose not to investigate.
- *If applicable*: A summary of the topics identified in the complaint files closed during the quarter. We track general complaint topics for all complaints we receive, and when applicable, we include authority-specific and/or sector-specific topics for your organization and/or sector. Our office tracks the topics of complaints we investigate and those we close without investigation, but not for enquiries. Because complaints to our office are confidential, we do not share complaint topic information if we received too few complaints to preserve the complainants' anonymity.

If your organization received too few complaints to produce a summary of complaint topics but you would like further information about the complaints our office received about your organization, our Public Authority Consultation and Training (PACT) Team can provide further details upon request.

Finally, we have been tracking complaints related to the COVID-19 pandemic under the general heading of "COVID-19." If you would like more detailed information about those complaints, please contact our PACT Team.

If you have questions about our quarterly reports, or if you would like to sign up for our mailing list to be notified of educational opportunities provided by our Public Authority Consultation and Training Team, please contact us at 250-508-2950 or consult@bcombudsperson.ca.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jay Chalke".

Jay Chalke
Ombudsperson
Province of British Columbia

Enclosures



Type of complaint closure	# closed
Enquiries – Many people who contact us are not calling to make a complaint, but are seeking information or advice. These contacts are classified as <i>Enquiries</i> to distinguish them from <i>Complaints</i> , which are requests that our office conduct an investigation.	1
Complaints with No Investigation – Our office does not investigate every complaint it receives. First, we determine whether we have authority to investigate the complaint under the <i>Ombudsperson Act</i> . We also have discretion to decline to investigate for other reasons specified in the <i>Ombudsperson Act</i> .	12
Early Resolution Investigations – Early Resolution investigations provide an expedited process for dealing with complaints when it appears that an opportunity exists for the authority to take immediate action to resolve the issue. Typical issues that are addressed through Early Resolution include timeliness, communication, and opportunities for internal review.	0
Complaint Investigations – When we investigate a complaint we may conclude with a determination that a complaint is not substantiated, or with a negotiated settlement of the complaint, or with public findings and recommendations. We may also exercise discretion to cease investigation for a number of other reasons specified in the <i>Ombudsperson Act</i> .	Total: 1
Reason for closing an Investigation:	
Pre-empted by existing statutory right of appeal, objection or review.	0
Investigation ceased with no formal findings under the <i>Ombudsperson Act</i> .	
More than one year between event and complaint	0
Insufficient personal interest	0
Available remedy	0
Frivolous/vexatious/trivial matter	0
Can consider without further investigation	0
No benefit to complainant or person aggrieved	0
Complaint abandoned	0
Complaint withdrawn	0
Complaint settled in consultation with the authority - When an investigation leads us to conclude that action is required to resolve the complaint, we try to achieve that resolution by obtaining the voluntary agreement of the authority to settle the complaint. This allows matters to be resolved fairly for the complainant and authority without requiring a formal finding of maladministration.	1
Complaint substantiated with formal findings under the <i>Ombudsperson Act</i> .	0
Complaint not substantiated under the <i>Ombudsperson Act</i> .	0
Ombudsperson Initiated Investigations – The Ombudsperson has the authority to initiate investigations independently from our process for responding to complaints from the public. These investigations may be ceased at the discretion of the Ombudsperson or concluded with formal findings and recommendations.	0



Notice: Use of this document as evidence against an individual or institution in a court or tribunal proceeding is prohibited by s. 20(2) of the Ombudsperson Act.

Closing Summary Index

Closing summaries are provided for all investigated files closed in each quarter. Identifying information is removed from the closing summary itself to allow for broader distribution within your organization for quality improvement purposes without disclosing personal information. The table below provides an index of these investigated files and lists the complainant's name, file number and authority contact involved. Files closed under our Early Resolution Program are also identified. This identifying information is provided separately to assist you in following up on individual files with involved staff as needed.

File Number	Complainant	Authority	Authority Contact	ER file
21-192974 /001	Klug, Len	City of Vancouver	Cobi Falconer	



Closing Summary

Authority:	City of Vancouver
File Number:	21-192974 /001
Closing Date:	20-Jun-2022
Closing Status:	<i>Closed; Investigation; Ceased (discretion) (s.13); Complaint settled under s.14 (s.13(i)); No findings</i>
General Complaint Topics:	Disagreement with Decision or Outcome Communication Process or Procedure Review or Appeal Process
Authority-specific Complaint Topics:	Fees/Charges (incl. Taxes)

A complainant contacted our office with a complaint about a series of determinations made about their Vancouver residence by Revenue Services at the City of Vancouver. Both the Vacancy Tax Complaint Determination Letter as well as the Vacancy Tax Review Determination Letter concluded that, based on the evidence provided pursuant to Section 6.12 of the Vacancy Tax By-law No.11674, the evidence had been found "inappropriate" and, consequently, the property could not be considered the complainant's principal residence. The complainant disagreed with this series of determinations arguing that the criteria for establishing the principal residence were "restrictive"; that it was "not fair to base a decision of residency simply on four documents having the wrong address"; that the appeal process did not adequately consider the supporting evidence submitted to establish the principal residence.

The purpose of our investigation was to determine whether the City of Vancouver had acted in accordance with the requirements of the Vacancy Tax Bylaw No. 11764 and whether the authority had applied the Bylaw in a fair and reasonable manner to the complainant's case.

As explained by the representative of the City of Vancouver and confirmed by the applicant's submissions, the complaints and review processes had been followed as prescribed in Section 6 of the Vacancy Tax Bylaw.

While reviewing the decisions issued to the complainant, we concluded that the reasons the City of Vancouver had provided, and which were limited to "Inappropriate Evidence", could be clarified further with the complainant. This issue was remediated through an email addressed to the complainant which identified and qualified each piece of evidence they had submitted during each stage of the audit process.

Following a thorough review of this exhaustive response to the complainant, we determined that the three tax panels considered all primary and secondary supporting documentation, as required by the Bylaw, and that the assessment was reasonable. We also determined that the Bylaw criteria used to assess the evidence were not restrictive, as alleged by the complainant.

Given that the City of Vancouver agreed to provide an exhaustive report to the complainant, as well as the fact that no administrative fairness concerns were identified during our review of this report, we decided to end our investigation and closed our file.



The tables below summarize the complaint topics we are tracking for your sector and/or authority and the number of times this topic was identified in the files (investigated and non-investigated complaints) that were closed in the most recent quarter.

If you would like more information on the types of complaints we receive, please contact our Public Authority Consultation and Training Team: email us at consult@bcombudsperson.ca or call us at 250-508-2950.

Authority-Specific Complaint Topics - City of Vancouver

Bylaw Enforcement	4	27%
Fees/Charges (incl. Taxes)	7	47%
Services (incl. Garbage, Sewer, Water)	1	7%
Other	3	20%

General Complaint Topics - City of Vancouver

Disagreement with Decision or Outcome	5	21%
Accessibility	1	4%
Delay	1	4%
Administrative Error	1	4%
Treatment by Staff	1	4%
Communication	5	21%
Process or Procedure	7	29%
Review or Appeal Process	3	13%



Sector-Specific Complaint Topics - All Local Government

Business Licensing	3	2%
Bylaw Enforcement	33	26%
Council Member Conduct (incl. Conflict of Interest)	7	5%
Official Community Plan/Zoning/Development	31	24%
Fees/Charges (incl. Taxes)	13	10%
Open Meetings	3	2%
Procurement	1	1%
Services (incl. Garbage, Sewer, Water)	9	7%
Response to Damages Claim	2	2%
Other	27	21%

General Complaint Topics - All Local Government

COVID-19	2	1%
Disagreement with Decision or Outcome	44	27%
Accessibility	4	2%
Delay	7	4%
Administrative Error	5	3%
Treatment by Staff	12	7%
Communication	21	13%
Process or Procedure	59	36%
Review or Appeal Process	8	5%
Employment or Labour Relations	3	2%
Other	1	1%