



The Office of the  
**Ombudsperson**

2nd floor – 947 Fort Street  
PO Box 9039 STN PROV GOVT  
Victoria BC V8W 9A5

General Inquiries: 250-387-5855  
Toll-Free: 1-800-567-3247  
Fax: 250-387-0198

[www.bcombudsperson.ca](http://www.bcombudsperson.ca)

His Worship Leonard Krog  
Mayor  
City of Nanaimo  
455 Wallace St.  
NANAIMO BC V9R 5J6

June 5, 2019

Dear Mayor Krog,

RE: Quarterly Report: January 1 – March 31, 2019

This package of documents details the complaint files the Office of the Ombudsperson closed for the City of Nanaimo between January 1 and March 31, 2019. This package does not include information about complaint files that are currently open with our office. As required by the *Ombudsperson Act*, this report provides 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. No action is required on your part, however we hope that you will find this information useful and share it within your organization.

Enclosed you will find a detailed report containing the following:

- The number of files our office closed in the last quarter regarding your organization and the category under which these files 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 his or her jurisdiction. A more detailed description of our closing categories is available on our website at: <https://bcombudsperson.ca/qr-glossary>.
- If applicable, copies of all closing summaries from investigated files that were closed during the last quarter. Our office produces closing summaries for *investigated* files only, and not for enquiries or those we choose not to investigate. These summaries provide an overview of the complaint received, our investigation and the outcome.
- If applicable, a summary of the topics identified in all complaints that were closed in the last quarter for your organization. Our office tracks the topics of complaints we investigate and those we close without investigation (we do not track this information for enquiries). 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. Because complaints are confidential, we do not share complaint topic information if we received too few complaints to preserve the complainants' anonymity.





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 Prevention Initiatives Team, please contact us at 250-508-2950 or [consult@bcombudsperson.ca](mailto:consult@bcombudsperson.ca).

Yours sincerely,

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

Jay Chalke  
Ombudsperson  
Province of British Columbia

Enclosures



Quarterly report for City of Nanaimo for January 1 – March 31, 2019

Type of complaint closure	# closed
<b>Enquiries</b> – 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.	0
<b>Complaints with No Investigation</b> – 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> .	1
<b>Early Resolution Investigations</b> – 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
<b>Complaint Investigations</b> – 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: 0
<i>Reason for closing an Investigation:</i>	
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
<b>Complaint settled in consultation with the authority</b> - 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.	0
Complaint substantiated with formal findings under the <i>Ombudsperson Act</i> .	0
Complaint not substantiated under the <i>Ombudsperson Act</i> .	0
<b>Ombudsperson Initiated Investigations</b> – 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

For more detailed information about the complaint closing categories used by our office, please see our glossary of terms at: <https://www.bcombudsperson.ca/resources/information-public-bodies/fairness-quick-tips>. To obtain a more detailed breakdown of the complaints closed for your authority for the quarter, please contact us at [consult@bcombudsperson.ca](mailto:consult@bcombudsperson.ca).

*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 Prevention Initiatives Team: email us at [consult@bcmbudsperson.ca](mailto:consult@bcmbudsperson.ca) or call us at 250-508-2950.

### Sector-Specific Complaint Topics - All Local Government

Business Licensing	3	3%
Bylaw Enforcement	36	34%
Council Member Conduct (incl. Conflict of Interest)	8	8%
Official Community Plan/Zoning/Development	19	18%
Fees/Charges (incl. Taxes)	9	8%
Open Meetings	3	3%
Procurement	3	3%
Services (incl. Garbage, Sewer, Water)	7	7%
Response to Damages Claim	2	2%
Other	16	15%

### General Complaint Topics - All Local Government

Decision/Outcome - Disagreement with	36	26%
Accessibility	3	2%
Delay	9	6%
Administrative error	5	4%
Treatment by staff	11	8%
Communication	18	13%
Process/Procedure	30	21%
Complaint/Review/Appeals Process	9	6%
Employment/Labour Relations	2	1%
Other	15	11%
Adequacy of complaint/review/investigation process	1	1%
Compliance with Legislation	1	1%