



OMBUDSPERSON BRITISH COLUMBIA

The *Ombudsperson Act* requires that investigations be conducted in private. Ombudsperson investigation documents are not available through the *Freedom of Information and Protection of Privacy Act* and may be subject to rules preventing their use in court and tribunal proceedings. **Please contact the Office of the Ombudsperson before disclosing this document, or any responses, to any third parties.**

August 15, 2025

Sheila Gurrie
City Clerk
City of Nanaimo
455 Wallace St.
NANAIMO BC V9R5J6

Dear Sheila Gurrie:

Re: Office of the Ombudsperson Quarterly Report: April 1 - June 30, 2025

This package of documents details the complaint files the Office of the Ombudsperson closed for City of Nanaimo between April 1 and June 30, 2025. Though no action is required on your part, 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.

If you would like further information about the complaints our office received about your organization, or you have identified inaccuracies in the data, please contact our office's Policy, Research and Continuous Improvement team. They can provide further details upon request and can be reached at PRCI@bcombudsperson.ca or by phone at 250-953-4171.

Enclosed you will find detailed reports containing the following:

- 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.



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- 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 you wish to update your organization's contact information, please contact us by email at info@bcombudsperson.ca.

To learn more about educational opportunities on administrative fairness provided by our office, or if you wish to consult with our office to enhance fairness within your organization's policies or procedures, our Public Authority Consultation and Training (PACT) Team can assist you. Please contact them by email at consult@bcombudsperson.ca or by phone at 250-508-2950.

Yours sincerely,

Jay Chalke
Ombudsperson
Province of British Columbia

Enclosures



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Quarterly Report for 1 April - 30 June, 2025
City of Nanaimo

Type of complaint closure for Authority: City of Nanaimo	# 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> .	2
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> .	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



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Can consider without further investigation	1
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.	0
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



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Investigations Closed from 1 April - 30 June, 2025
City of Nanaimo

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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 file number, closing date 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	Authority	Authority Contact	ER file
24-001767 / 001	City of Nanaimo	Dale Lindsay	

Closing Summary

Authority:	City of Nanaimo
File Number:	24-001767 / 001
Closing Date:	06-Jun-2025
Closing Status:	<i>Can consider without further investigation (s.13(e))</i>
General Complaint Topics:	Disagreement with Decision or Outcome
Authority-specific Complaint Topics:	All Local Government / Bylaw Enforcement
Closing Summary:	<p>A person expressed concern that the City had not addressed their complaint about the City not enforcing its bylaws regarding their neighbour, who operates their business outside the permitted hours, an act the person believed disturbs the quiet and peaceful enjoyment of their property. The person also told our office that they suffered violent attacks and false allegations from some of their neighbour's clients. The person informed us that they had communicated with a Bylaw Enforcement Officer in the City, the City's Director of Public Safety, and the Office of the Chief Administrative Officer regarding the matter. However, the person is concerned about the City's decision to close their file while their concerns remain unresolved.</p>

The available records, as well as the information gathered from speaking to the complainant and communicating with the City, showed that the City acknowledged the person's complaint, explained the steps it took to address the person's concerns, including investigating the person's complaints, communicated its investigation outcome to the person and subsequently advised the person why it would not be investigating their complaints further.

Also, the City, upon investigating the person's complaints, determined there was no suggestion of noise disturbances, parking



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infractions or other violations of municipal ordinances and that there was no proof that the household traffic, business, or otherwise happening as a result of the person's neighbour's home business operation was negatively impacting the person.

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.

Sector-Specific Complaint Topics – All Local Government

Business Licensing	3	2%
Bylaw Enforcement	63	35%
Council Member Conduct (incl. Conflict of Interest)	15	8%
Fees/Charges (incl. Taxes)	17	10%
Official Community Plan/Zoning/Development	24	13%
Open Meetings	4	2%
Other	36	20%
Response to Damages Claim	1	1%
Services (incl. Garbage, Sewer, Water)	15	8%

General Complaint Topics – All Local Government

Accessibility	7	3%
Administrative Error	7	3%
Communication	41	15%
Delay	11	4%
Disagreement with Decision or Outcome	90	33%
Discrimination	7	3%
Employment or Labour Relations	5	2%



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Other	4	1%
Process or Procedure	68	25%
Review or Appeal Process	7	3%
Treatment by Staff	27	10%