
FIRST ANNUAL REPORT

of the

**BRITISH COLUMBIA
OMBUDSMAN**

1979



BRITISH COLUMBIA



**Legislative Assembly
of British Columbia**

**Office of the
Ombudsman**

8 Bastion Square
Victoria
British Columbia
V8W 1H9
Telephone: (604) 387-5855

May, 1980

The Honourable H. W. Schroeder
Speaker of the Legislative Assembly
Parliament Buildings
Victoria, British Columbia

Mr. Speaker:

In accordance with Section 27(1) of the Ombudsman Act, S.B.C. 1977, c.58, I hereby respectfully submit the first Annual Report of the Ombudsman for the year ending December 31, 1979.

This report outlines the organization and operation of the Office of the Ombudsman during 1979 for the information of Members of the Legislative Assembly.

Respectfully yours,

A handwritten signature in cursive script that reads "Karl A. Friedmann".

Karl A. Friedmann
Ombudsman

**1979 ANNUAL REPORT
OF THE OMBUDSMAN**

to the

LEGISLATURE OF BRITISH COLUMBIA

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INTRODUCTION

On July 1, 1979, the Province of British Columbia appointed its first Ombudsman. It is now the ninth province in Canada to have passed Ombudsman legislation. Many elected representatives, organized groups and individual citizens have worked hard and long to establish the Ombudsman office in British Columbia.

This first Annual Report spans a half-year period from my appointment as Ombudsman on July 1, 1979 to December 31, 1979. This period amounts to only half of the normal reporting interval and encompasses only three months during which complaints from the public could be accepted. In adopting the calendar year as my reporting year, I follow the practice established by other provincial Ombudsmen. These first six months have been especially eventful and important ones for the Ombudsman. The office is now fully operational, its objectives are reasonably well defined, its working procedures are broadly established.

The aims of this report are four-fold: (1) to comply with Section 27(1) of the **Ombudsman Act** which requires an annual report; (2) to keep the members of the Legislative Assembly and the public informed about the objectives and procedures of the Ombudsman; (3) to record the development of the office in its first half-year of operation; and (4) to document statistically the office's activities with respect to complaints received.

THE OMBUDSMAN'S ROLE

The extension and concentration of government power over the lives and activities of citizens is one of the most pervasive tendencies in modern industrial societies. Large organized groups are usually well-equipped to pursue their interests and to protect their rights. However, many individuals and some groups often lack the resources of time and money to realize their interests or to protect their rights in the face of the complex mass of rules, regulations, programmes and agencies which make up modern government. It can be an unequal struggle at every stage. The appointment of an Ombudsman represents one effort of many by the Legislature to restore the balance. Ombudsmen use their powers of investigation and recommendation to strike a reasonable balance between the bureaucracy's general implementation of public policy and the citizen's legitimate expectation to be treated as an individual.

British Columbia has adapted the legislative and practical experiences of other Canadian provinces and foreign jurisdictions to produce one of the most advanced Ombudsman statutes in the Commonwealth. Its provisions are reasonably clear and only very few interpretation problems have arisen so far. The Act creates the Ombudsman as an Officer of the Legislature, assisted in his work by a permanent investigative staff. The legislation empowers the Ombudsman to receive and investigate citizens' complaints about official action by specified public authorities. When the complaint warrants inquiry or investigation, the Ombudsman notifies the appropriate authority of his intention to investigate. Investigations aim at uncovering the relevant laws, regulations, policies, facts, and perceptions of all parties involved in the dispute. The Ombudsman then makes the results of the investigation known to the authority and the complainant. If the investigation shows that an authority's action, decision, procedure, or practice was essentially correct, fair, and appropriate, the Ombudsman explains that finding to the complainant and closes the matter. If the investigation shows fault on the agency's part or shortcomings in existing procedures or practices, the Ombudsman recommends corrective action to the agency. It is then up to the agency to implement the Ombudsman's recommendations. If the Ombudsman is not satisfied with an authority's response to his recommendations, he may carry his recommendation to the Cabinet and then to the Legislative Assembly. Although the above process, set out in the **Ombudsman Act**, is

central to the role of the Ombudsman, the Ombudsman also has a more general mandate to suggest ways and means to make official procedures and policies more effective and to improve the quality of contact between the public service and the general public.

The Ombudsman has immediate and long-range objectives: (1) Immediately and on a daily basis, the Ombudsman will seek to rectify injustices he perceives after completing a thorough and fair investigation. (2) The long-range objective of the Ombudsman must be to question and to seek to change those bureaucratic procedures and practices that repeatedly lead to errors and injustices.

The **Ombudsman Act** establishes a code of administrative justice for all public authorities. Official action (1) is expected to be in accordance with the law; (2) must not be unjust, oppressive, or improperly discriminatory; (3) must not be based on a mistake of law or fact and may not be based on irrelevant grounds or considerations; (4) must not be based on procedures that are arbitrary, unreasonable or unfair; (5) must not be based on statutory provisions, rules of law and practices that are unjust, oppressive or improperly discriminatory; (6) should occur only for a proper purpose; (7) must be accompanied by adequate and appropriate reasons to the citizen; (8) must not be negligent or improper; (9) must not cause unreasonable delay. This code of administrative justice is as broad as it is demanding. Provincial authorities as well as the Ombudsman will have to take this code as a standard and both will have to cooperate to attain it in their daily decision-making.

The Honourable Evan M. Wolfe has previously stated for the Government of British Columbia an official policy about the rights of citizens touched by provincial regulations. I find this policy quite compatible with and indeed complementary to the Ombudsman's code of administrative justice. The statement reads as follows:

Official policy respecting and reaffirming the rights of all citizens in the application of any Provincial regulation is:

Every person is entitled to fair, just, and reasonable consideration in the application of any regulation.

Officials with the authority to act or decide under any regulation will be clearly designated.

Officials and agencies will require only such information or action as is provided for by law, and will give a clear explanation of procedures to be followed.

A response or action by Government in connection with any regulation will be undertaken within a reasonable time specified by the Minister or by law.

It is a prime responsibility of all Government officials and agencies to co-ordinate their activities so as to minimize inconvenience to the public.

A person to whom regulation is applied is entitled to a clear statement of the reason and any right to appeal.

All communications, instructions, and notices concerning the application of a regulation will be in plain language.

Declarations of rights and codes of conduct have a general purpose, that of setting standards. Daily decision-making will then be expected over time to measure up to those standards.

OVERVIEW OF 1979

The first months of my term of office were extremely interesting and challenging. The British Columbia government of 1979 is a large, bewildering and complex organization. Setting up a

new office in its midst in time to meet the objective of accepting complaints by October 1, 1979, drew me into a race against the clock whose successful outcome was never assured until the very end. That we did open for complaints on October 1st on time is the result of teamwork by individuals too numerous to name, but I am deeply indebted to them for their tireless effort and invaluable advice.

THE PLANNING STAGE — FEBRUARY 1979 TO JUNE 1979

I shall not recount here the evolution of the B.C. Ombudsman legislation and the activities of the Ombudsman Selection Committee. I will confine my remarks to the period in which I was personally involved, after the announcement by the Ombudsman Selection Committee of my nomination at the end of January, 1979 and the vote by the Legislative Assembly on April 3, 1979 on the nomination. I was ready to accept my new responsibilities as soon as academic commitments at the University of Calgary would permit. I met with the then Attorney-General, the Honourable Garde Gardom, to discuss the government's intentions with regard to the advice to be given to the Lieutenant-Governor about the timing of my appointment and the proclamation of the **Ombudsman Act** and Schedule. I also met with the Chairman of the Public Service Commission and the Deputy Minister of the Treasury Board Staff to discuss staffing procedures and interim arrangements. Mr. Gardom announced in April that my appointment would take effect on July 1, 1979 and that the remainder of the **Ombudsman Act** would be proclaimed to be effective on October 1, 1979, thus permitting me to take complaints from October 1, 1979 on. Towards the end of June, I had discussions with the Attorney-General and the Premier about the proclamation advice to be given to the Lieutenant-Governor concerning the Schedule to the **Ombudsman Act**. I then had a period of three months, from July to September, to attend to organization, staff selection, location of office space, and sundry other details. Three months appeared to me to provide sufficient time to set up the office, but events proved me wrong. I spent much of this period in discussion with others, weighing various ideas about the objectives, organization and staffing of the B.C. Ombudsman office. These ideas have remained fairly constant since I became Ombudsman.

THE ORGANIZATIONAL STAGE

The Lieutenant-Governor appointed me as Ombudsman effective July 1, 1979 based on the recommendation accepted by the Legislative Assembly in April, 1979. A brief ceremony took place at the Parliament Buildings on July 4, 1979, at which time I took my oath of office before the Clerk of the Legislative Assembly, as required by Section 6 of the **Ombudsman Act**. At the morning's press conference that day I sketched my plans for the Ombudsman office and reaffirmed my commitment to accept complaints on October 1, 1979. I also stated the need to establish offices in both Vancouver and Victoria from the outset — in Victoria because the nature of the Ombudsman's work demands ready access to senior provincial government officials and agencies which are concentrated in the Capital area; in Vancouver because of the concentration of approximately half of the province's population in the Lower Mainland and because of the desirability of having easy access to important institutions headquartered in Vancouver, such as the Workers' Compensation Board, the British Columbia Hydro and Power Authority and the Insurance Corporation of British Columbia, among others. Although the office kept a low profile from July to September 1979, a large number of complaints reached my office during this period. Correspondents were advised about the date on which the **Ombudsman Act** would be proclaimed and were referred to other agencies for assistance in the meantime. A number of these early complainants returned after October 1, 1979 for assistance.

Relations with Central Agencies of the British Columbia Government

A variety of central agencies exist to look after the needs of Government ministries. They include the Treasury Board Staff, the Public Service Commission and others. As an officer of the Legislative Assembly, the Ombudsman is in a unique and sensitive position vis-à-vis those agencies in the sense that the Ombudsman may have to investigate and, if need be, criticize those very agencies on complaint from members of the public. At the same time, the

Ombudsman may be required to use the services of those central agencies either as required by law or for reasons of efficiency, organization and so on. In accordance with the law, I used central agencies where I had no choice in setting up the office. Further, these agencies were used of my own volition where cost and other efficiency considerations suggested that as appropriate, and the Ombudsman's independence from the executive arm of government was not materially affected by the use of services provided by the executive government.

Public Service Commission

Section 5(1) of the **Ombudsman Act** required me to hire staff in accordance with the **Public Service Act** and Section 5(3) of the **Ombudsman Act** delegates to the Ombudsman certain powers of the Public Service Commission. Existing procedures of the Public Service Commission ensure open and fair competition, and I adopted these procedures with respect to all positions filled within the Ombudsman's office. The Public Service Commission provided advice and assistance as requested by me, and supplied me with competent staff members for the selection panels struck for each competition. More than 4,000 applications were received for competitions to fill twenty-two of the twenty-four positions for the two offices of the Ombudsman during 1979.

Treasury Board

By virtue of Section 5(2) of the **Ombudsman Act**, the Ombudsman's staff requirements and pay classifications of staff positions need to be approved by the Treasury Board. Treasury Board staff naturally, as is their duty, questioned expenditure requirements and commitments intensively and critically. In July and August, I spent a great deal of time developing and justifying to the Treasury Board staff, organization and staff ideas and plans for the Ombudsman's office. The critical review and sound advice received from competent Treasury Board staff was helpful and appreciated.

The Ombudsman's organizational structure must be suited to dealing effectively with complainants' problems at minimum cost to the taxpayer. I feel that the structure we developed and implemented conforms to these requirements. As the attached Table shows, there are twenty-four staff positions, ten for the Vancouver office and fourteen for the Victoria office. This total number of staff was based on the staff complement required by other provincial Ombudsmen, and on the expectation that British Columbia's population of 2.4 million would generate approximately 1,500 complaints per year.

The Honourable Hugh Curtis, in his capacity as Chairman of Treasury Board, had to intervene twice personally at year end to decide issues related to the special needs of the Ombudsman's office. His intervention was prompt and sensitive to the requirements of the Ombudsman's office and was much appreciated.

British Columbia Buildings Corporation

My experience with B.C.B.C. was mixed. I have received both excellent and unacceptable service from this central agency. I considered my statutory obligations and there appeared room for arguing that the Ombudsman did not, and in any case should not, have to go through B.C.B.C. to contract for office space. However, the long arm of Treasury Board reduced the question to merely academic significance. I did not have the time to argue the question fully, as I needed space desperately in order to open the office on October 1st. I may have to return to the Legislative Assembly at some future time to request clarification or consideration of a change. My principal source of problems with B.C.B.C. is that this corporation takes its instructions from Treasury Board instead of the Ombudsman when it comes to establishing office space suitable for the Ombudsman and that means that the special needs of my office were not always accommodated. I should add two comments: (1) I received very competent and efficient service from one of B.C.B.C.'s Vancouver officials, Maureen Uphill, which I wish to recognize; and (2) I am reasonably satisfied with the suitability of the accommodation finally secured for my office. We moved into our permanent quarters in Vancouver in April 1980. As

far as the Victoria office space is concerned, I will have to return to B.C.B.C. and Treasury Board to request some changes during 1980.

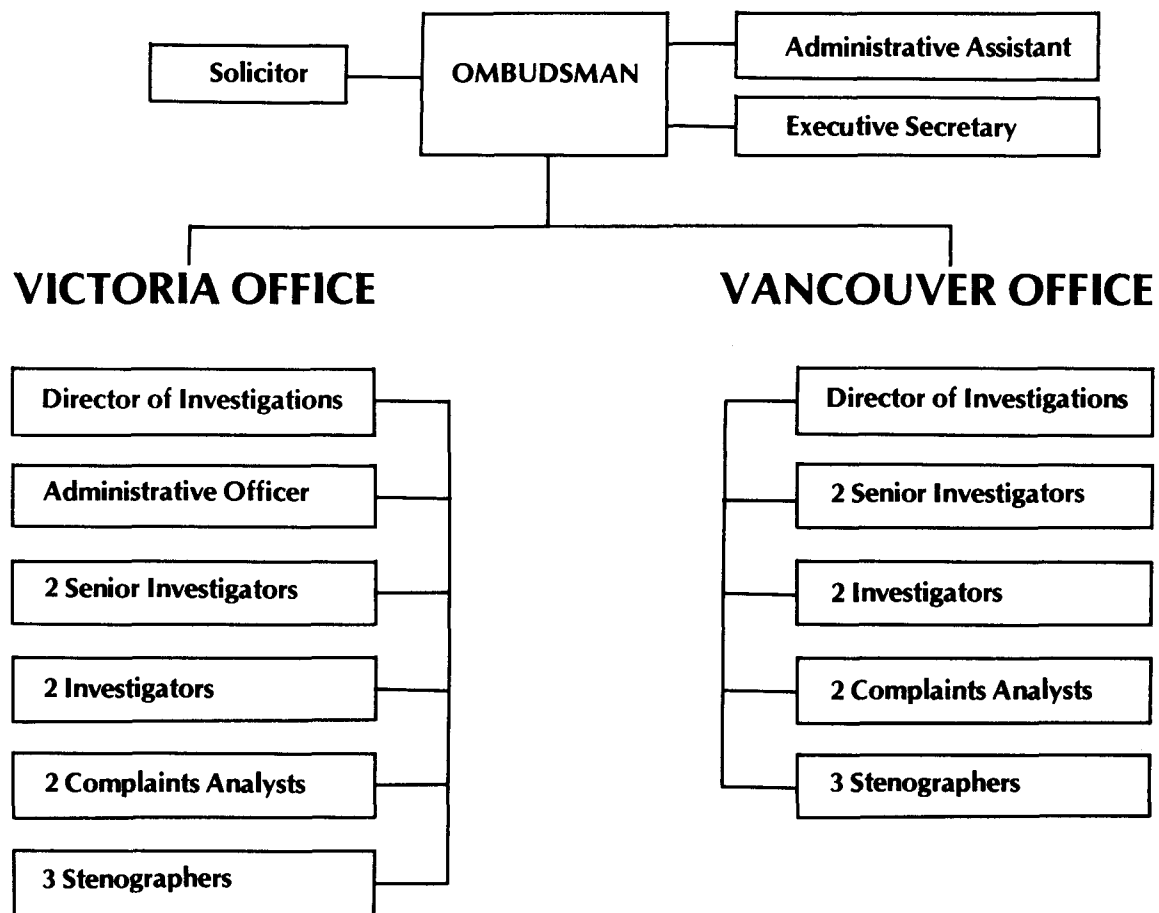
The Speaker of the Legislative Assembly, the Honourable H. W. Schroeder, generously permitted me the use of office space in the Parliament Buildings until my requirements were clear and permanent office space could be obtained. Unfortunately, the move to our permanent quarters at 8 Bastion Square in Victoria was delayed until five weeks after the official opening of my office for complaints. Those first five weeks proved to be a trying experience for twelve new staff members operating out of two rooms in the Parliament Buildings with only one phone and an unprecedented rush of complaints. Fortunately, the public accepted our shortcomings with good grace.

Provincial Secretary and Others

The Ministry of the Provincial Secretary provided me with competent interim support in administrative and personnel matters until October, 1979. My office continued to use some of its support services to the end of 1979, payroll services in particular.

The services of the Purchasing Commission, the Queen's Printer and the Comptroller-General were also utilized.

BRITISH COLUMBIA OMBUDSMAN OFFICE ORGANIZATION



THE OPERATIONAL STAGE

The **Ombudsman Act** together with Sections 1 and 2 of the Schedule of Authorities were proclaimed in force on October 1, 1979. Most staff members joined my office on that date, a few joined a little later due to commitments to previous employers. Ombudsmen from other provinces and the United States helped me with advice about the establishment of sound procedures for the new office. The Alberta and Ontario Ombudsmen agreed to second some of their staff members to my office for short periods during October and November. I wish to acknowledge publicly the valuable assistance received from Ombudsman colleagues in Canada and the United States.

From the first day of operations complaints reached my office, initially from those who had been waiting for months for proclamation; later from those with more current problems. One complainant phoned me to ensure that his was my first complaint: he was quite disappointed that he was only Number 101 but he made up for the lost ground by presenting several dozen complaints. Only one of my investigators had specific experience in another Ombudsman's office. The first few weeks of operation were used to gain familiarity with the operation of government ministries and agencies, and to develop operating procedures for our investigations and interaction with the public. We revised our procedures continuously and of necessity in order to deal with an unexpectedly large stream of inquiries and complaints.

Complaints Received

British Columbians are contacting the Ombudsman in large numbers with their problems and complaints. During the reporting period, October to December, 1979, my office received requests from 924 complainants, as shown in Table 1 of the Appendix. This volume of complaints was much larger than anticipated. After looking at the experience of other provincial Ombudsmen and after adjusting for population size, approximately 1,500 complaints were expected in a one year period in British Columbia. The rush of complaints very likely represents an initial problem of accumulated grievances that had been waiting for the Ombudsman for a long time. Beyond that, it is difficult to speculate about the reasons for the larger than usual flow of complaints.

An Appendix to this Report presents a statistical account, in six Tables, of the number and type of complaints received by my office and the disposition at year-end of complaint files opened during the reporting period. Complaints were grouped according to three jurisdictional considerations: (1) "Complaints Against Proclaimed Authorities" refers to those complaints made against government ministries and agencies of the Government of British Columbia which are covered by Section 1 and 2 of the Schedule of Authorities in the **Ombudsman Act**. These two Sections were proclaimed in force on October 1, 1979. This represents the present jurisdiction of the Ombudsman. (2) "Complaints against Unproclaimed Authorities" refers to complaints made against any authority covered by Sections 3-11 of the Schedule of Authorities in the **Ombudsman Act**. Complaints in this category are presently non-jurisdictional, but since these complaints represent the future jurisdiction of the Ombudsman, it was justified to treat them separately from the third and last group; (3) "Non-jurisdictional Complaints" refers to complaints made against governments outside British Columbia and private disputes related to the market place, services and labour. It is not contemplated by the Ombudsman legislation that such complaints will ever be in the Ombudsman's purview.

Some sixty-three percent of the complaints received were within the present jurisdiction of the Ombudsman, i.e., they were complaints about authorities listed in Sections 1 and 2 of the Schedule of the **Ombudsman Act**. Table 2 provides a breakdown of the total number of jurisdictional complaints by ministries or agencies against which the complaints were lodged. Ministries and agencies that have a large number of transactions with citizens or whose transactions affect their clients deeply and materially must be expected to generate a larger number of complaints: Workers' Compensation Board, the Insurance Corporation of British Columbia, Human Resources and Highways are the targets of many complaints. The degree to

which these complaints are substantiated or not remains to be seen and will be reported upon completion of the investigations and in the next Annual Report.

Approximately nine percent of the complaints received were made against agencies listed in Sections 3-11 of the Schedule of the **Ombudsman Act**. These Sections have not yet been proclaimed in force, and I do not, therefore, have the authority to investigate these complaints. Table 3 provides details of the numbers of complaints in this group by type of authority. A large majority of these complaints are directed against municipalities.

Twenty-eight percent of complaints received in 1979 concerned authorities or issues that are completely outside the Ombudsman's purview. These non-jurisdictional complaints, as listed in Table 4, show three broad groupings that predominate: (1) complaints about federal government ministries and agencies; (2) consumer complaints not dealt with by the Ministry of Consumer and Corporate Affairs, and (3) complaints against court decisions, the legal process and individual lawyers.

As these figures show, my office receives many complaints which are not primarily concerned with British Columbia government ministries and agencies and which, therefore, lie outside the Ombudsman's authority. Thirty-seven percent of complaints fall into this category. I do not think that the general public can be held accountable for understanding the intricacies of jurisdiction or lack of it in a public office like that of the Ombudsman, at least not at this stage in the development of the office. In fact, comparisons with other provinces, even those that have had an Ombudsman for several years, indicate that British Columbia complainants are reasonably on target when they bring their problems to the attention of the Ombudsman; other Ombudsmen receive non-jurisdictional complaints in similar proportions.

Disposition of Complaints

At the end of the first three months of operation, only twenty-eight percent of all complaint files were closed, while seventy-two percent were still under consideration. Non-jurisdictional complaints are, obviously, attended to and closed faster; some sixty percent were dealt with while forty percent were still under consideration. My office attempts to pay more attention to complaints about scheduled but unproclaimed authorities than to those completely outside the Ombudsman's jurisdiction. Accordingly, work on these complaints demands more time and only thirty-five percent of these complaints were settled while sixty-five percent were still under consideration at the end of 1979. Finally, the investigation of jurisdictional complaints is a complex and time-consuming task: twelve percent of jurisdictional complaints were disposed of as shown in Table 5: eighty-eight percent of these cases were still under investigation at year end. It is probably self-evident that the easier of these complaints are resolved faster through some action by either the complainant or the bureaucracy. The more complex cases all had to be carried over to the 1980 operating year.

I am seriously concerned about the length of time my office must take to attend to these complaints. Delay is one of the bureaucracy's most irritating characteristics and the Ombudsman has a statutory mandate to criticize "unreasonable delay" on the part of public authorities. It is unacceptable to me that the Ombudsman office itself should experience unnecessary or unjustified delay in responding to citizens' complaints. Yet, it has happened.

I might first account for the causes of delay and then discuss steps taken or to be taken to avoid delay in the future. A new organization will, of course, not be at the peak of efficiency in the first few months of its existence. I myself, as well as my investigators, had and still have a lot to learn about government, legislation, procedure, programmes and practices. The public service also learns about the Ombudsman and, in the future, we hope to spend less time explaining basic procedures and investigative rights of the Ombudsman to the various authorities and officials repeatedly. Finally, the organization and the personnel of the Ombudsman office was based on the expectation that we would handle (prorated for three months) 375 complaints during this period, while we received, in fact, 924 complaints. Once the complaint load has settled at a stable figure, I plan to re-evaluate my personnel needs and may have to make a

further request to Treasury Board for additional support. I have also taken some internal measures to increase the efficiency of existing personnel and to speed up the process of investigating complaints, without sacrificing investigative thoroughness or concern for the needs of complainants.

My office attempts to assist complainants even if their complaint is outside the Ombudsman's formal jurisdiction; we provide information about other agencies that can help; we refer complainants to the appropriate authority and the right individual inside an agency so as to minimize "buck-passing" and giving people the "run-around". Nevertheless, in the final analysis the help we can provide falls short of the complainant's demands, expectations or needs and we are bound to disappoint some. However, the Ombudsman can only act where he has lawful authority to investigate and recommend.

Seeking to assist persons with non-jurisdictional complaints requires the allocation of considerable staff resources. I plan to continue to extend such assistance to individuals especially to those with complaints about unproclaimed authorities. That will also give my office an understanding of the issues and problems which will arise when the appropriate sections of the Schedule are proclaimed. So far my office has, on many occasions, asked for and received the voluntary cooperation of individuals from these unproclaimed authorities.

Investigation Procedures and Standards

The primary aim of the Ombudsman's inquiries and investigations is to resolve administrative disputes and to resolve conflicts between individuals and authorities. My office will often give an authority an opportunity to review its own decision before a full investigation is launched. This practice will explain the number of investigations we report as discontinued: the complaint is resolved to the complainant's satisfaction and there is no need for the Ombudsman to make a finding about the merits of the complaint. If a resolution of the dispute is not forthcoming, an investigation will be continued until a finding about the merits of the complaint can be made.

Three main qualities in the work of the Ombudsman's office are emphasized:

- (1) Thorough and impartial investigations and detailed attention to all aspects of a complaint. Without such qualities in the investigation process the Ombudsman will not be able to get to the roots of a dispute or be able to convince complainant or authority that one of them is wrong.
- (2) Speed: many individuals who approach the Ombudsman have complaints generated or aggravated by extensive delay on the part of authorities. Literally, the Ombudsman must be quick, both to set an example to bureaucracy and to gain or retain the confidence of the public.
- (3) Personalized attention: I review personally all incoming complaints and assign them to an investigator; I also review all findings and recommendations for corrective action, based on information assembled by my staff. I expect the same commitment to a personalized approach to complainants on the part of my staff.

Most complainants have already made serious efforts on their own to resolve their problems before contacting the Ombudsman's office. Where complainants have not used existing statutory appeals on the merits of their case to a court or tribunal, Section 8(1) of the **Ombudsman Act** prevents me from investigating, and the complainant is advised about and referred to these formal appeals. We also point out what assistance is available to the appellant when exercising his appeal rights.

Existing administrative procedures or recourse to the courts may provide an adequate remedy for pursuing a complaint and the Ombudsman has a discretion to decline or discontinue an investigation in such cases. Often complainants are not aware of opportunities available to them for challenging a decision. We advise them and refer them to objection procedures or recourse to the courts where that is appropriate. There are occasions when it would be inappropriate for my office to refer a complainant to others. As a general rule we expect

complainants to exhaust other appeal avenues before we make a full investigation. We do, however, look at the complainant's resources: if they are inadequate for coping with appellate mechanisms we will accept a complaint sooner. It takes a great deal of perseverance as well as resources for a citizen to operate effectively in this system and many cannot survive, figuratively speaking, the maze of appellate procedures. This is where the Ombudsman uses his discretion to intervene with an investigation and recommendation as warranted. Some appeal mechanisms, by design or inadvertently, discourage appellants from persevering with an objection. I will pay special attention to such procedures and seek change in the future.

Accessibility of the Ombudsman

Perceptions of justice rely in many respects on the idea of equity. The Ombudsman practices equity by assuring all British Columbians of relatively equal access to the services of this office, regardless of place of residence. Three measures have been taken, and one is contemplated for the future, to implement the ideal of equal access:

- (1) An office in Vancouver provides relatively easy personal and telephone access to residents of the Greater Vancouver area.
- (2) A toll-free telephone line (outside Victoria and Vancouver) provides at least telephone access for other British Columbians to the Ombudsman without financial penalty for remoteness from the centre of government.
- (3) The Ombudsman or investigators will have occasion to visit communities throughout the province and will make themselves available in person to discuss problems and complaints.
- (4) It is desirable, and will become necessary in the future, to establish one or two small regional offices in north- and south-central British Columbia. As additional authorities (municipalities, regional districts, school and hospital boards) come within the Ombudsman's purview, a presence in the form of such regional offices will become necessary to operate local investigations economically and expeditiously. At the same time, such offices would improve access to the Ombudsman by residents of those areas.

Visits to communities outside the Victoria and Vancouver area were necessary on two occasions in November and December, 1979. One staff member had investigative work to do in the Prince George area. His presence in the area was publicized and a number of complainants sought personal interviews.

The Ombudsman and several investigators visited the East Kootenay area November 20-23, 1979 and hearings were arranged in Cranbrook, Fernie and Creston. The experience has demonstrated how important a personal interview is to some citizens for whom government is remote in every sense of the word. Members of the Legislative Assembly in those areas were able to refer some constituents to the Ombudsman when an independent inquiry appeared necessary to resolve complaints.

PROSPECTS FOR 1980

During 1980, the Ombudsman's Office will be in the process of consolidating and refining the newly developed procedures for interacting with complainants and authorities. The office will be able to gain a more detailed understanding of problem areas as well as strengths of government ministries.

Numerous inquiries were received about the prospect for proclaiming Sections 3-11 of the Schedule of Authorities in the **Ombudsman Act**. Several organizations have gone on record recommending or requesting that those sections be proclaimed now or as soon as possible.

Beyond inquiring about the date of proclamation, the Ombudsman is sometimes asked or urged to advocate their immediate proclamation. Proclamation is the prerogative of the Lieutenant-Governor in Council, sustained by the Legislative Assembly. As Ombudsman I will, of course, implement any proclamation decision arrived at in due course. To allow for an orderly and efficient implementation of such a decision, my office would ideally require six months preparation time before the effective date of proclamation, and adequate staff and financial resources to cope with the increased workload.

In September 1979 I attended the annual conference of Canadian Ombudsmen in Fredericton, New Brunswick. The provincial Ombudsmen passed a resolution about the perceived need for a federal Ombudsman. The resolution was transmitted to the Prime Minister and the Leaders of the Opposition Parties in the House of Commons. The resolution reads as follows:

WHEREAS the Canadian National Ombudsmen Conference in 1977 passed a resolution that among other things encouraged debate and discussion within the Parliament of Canada of a proposal that would extend the Ombudsman concept to all citizens of Canada with respect to matters within federal jurisdiction and

WHEREAS federal legislation to establish an Ombudsman has not yet been reintroduced and

WHEREAS it is a common experience of Provincial Ombudsmen that many complaints cannot be dealt with by Provincial Ombudsmen but might be resolved at the federal level, be it resolved that the Provincial Ombudsmen unanimously, at the 1979 National Conference in Fredericton, N.B., reaffirm and readopt the 1977 resolution and encourage the Government of Canada to give early consideration to the establishment of a Federal Ombudsman.

I have also drawn this resolution to the attention of the Minister of Intergovernmental Relations, the Honourable Garde Gardom, after witnessing the frustration of people with federal complaints and our inability to assist them meaningfully. The Minister undertook to bring this concern to the attention of the appropriate federal officials.

ACKNOWLEDGEMENTS

In closing this first Annual Report, I wish to thank all of those who contributed to making the Ombudsman in British Columbia a reality. I have enjoyed the generous support of the Members of the Legislative Assembly. I wish to acknowledge the assistance provided by central agencies in establishing the Ombudsman office, and I want to thank those members of authorities — proclaimed or otherwise — who assisted the Ombudsman with resolving the complaints of the public. Every complaint resolved will restore someone's belief in not only the efficiency, but the essential humaneness of our system of government. I have earlier acknowledged the advice and help received from other Ombudsmen. An office such as this would remain ineffective without the intelligent, industrious and imaginative help I have received from my staff. On a more personal note, I would like to express my appreciation of the very generous welcome I received from officials, the media and the public on coming to British Columbia.

The Ombudsman is, by statute, an "officer of the Legislature" and answerable to the Assembly. I welcome any request by the Assembly, a Committee of the Assembly or individual Members of the Assembly for further information about the activities of the Ombudsman.



APPENDIX I: TABLES

TABLE I
COMPLAINTS RECEIVED
OCTOBER-DECEMBER, 1979

Authority	Number Accepted	Number Closed	Number Pending
Proclaimed Authorities	580	70	510
Unproclaimed Authorities	79	28	51
Non-jurisdictional Matters	265	158	107
<hr/>			
TOTAL	924	256	668

TABLE 2
COMPLAINTS RECEIVED AGAINST
PROCLAIMED AUTHORITIES
OCTOBER-DECEMBER, 1979

Authority	Number Accepted	Number Closed	Number Pending
Agriculture	7	0	7
Marketing Board	1	0	1
Attorney-General	45	5	40
B.C. Police Commission	1	0	1
Legal Services Commission	1	1	0
B.C. Hydro and Power Authority	12	2	10
Consumer and Corporate Affairs	31	1	30
Office of the Rentalsman	13	2	11
Economic Development	0	0	0
B.C. Development Corporation	1	0	1
B.C. Railway Company	3	0	3
Education	8	1	7
Energy, Mines and Petroleum Resources	5	0	5
Environment	28	2	26
Agricultural Land Commission	5	0	5
Finance	13	2	11
Assessment Appeal Board	1	0	1
B.C. Assessment Authority	7	0	7
B.C. Systems Corporation	1	1	0
B.C. Resources Investment Corporation	2	0	2
Forests	17	0	17
Health	16	0	16
Medical Services Commission	13	4	9
Alcohol and Drug Commission	1	0	1
Human Resources	65	14	51
Labour	6	1	5
Labour Relations Board	11	0	11
Workers' Compensation Board	74	15	59
Lands, Parks and Housing	17	4	13
Housing Corporation of British Columbia	2	0	2
B.C. Housing Management Commission	2	2	0
Municipal Affairs	17	0	17
Premier's Office	1	0	1
Provincial Secretary & Government Services	5	0	5
Government Employees			
Relations Bureau	2	1	1
Public Service Commission	6	0	6
Superannuation Branch	12	0	12
B.C. Buildings Corporation	5	2	3
Tourism and Small Business Development	1	0	1
Transportation, Communications and Highways	48	3	45
B.C. Ferry Corporation	3	0	3
Insurance Corporation of B.C.	71	7	64
TOTAL	580	70	510

TABLE 3
COMPLAINTS RECEIVED AGAINST
UNPROCLAIMED AUTHORITIES
OCTOBER-DECEMBER, 1979

Authority	Number Accepted	Number Closed	Number Pending
Municipalities (Section 4)	48	19	29
Regional Districts (Section 5)	8	1	7
Public Schools (Section 7)	5	3	2
Universities (Section 8)	2	0	2
Colleges & Provincial Institutes (Section 9)	1	0	1
Hospitals (Section 10)	4	4	0
Professional & Occupational Associations (Section 11)	11	1	10
<hr/>			
TOTAL	79	28	51

TABLE 4
NON-JURISDICTIONAL COMPLAINTS
OCTOBER-DECEMBER, 1979

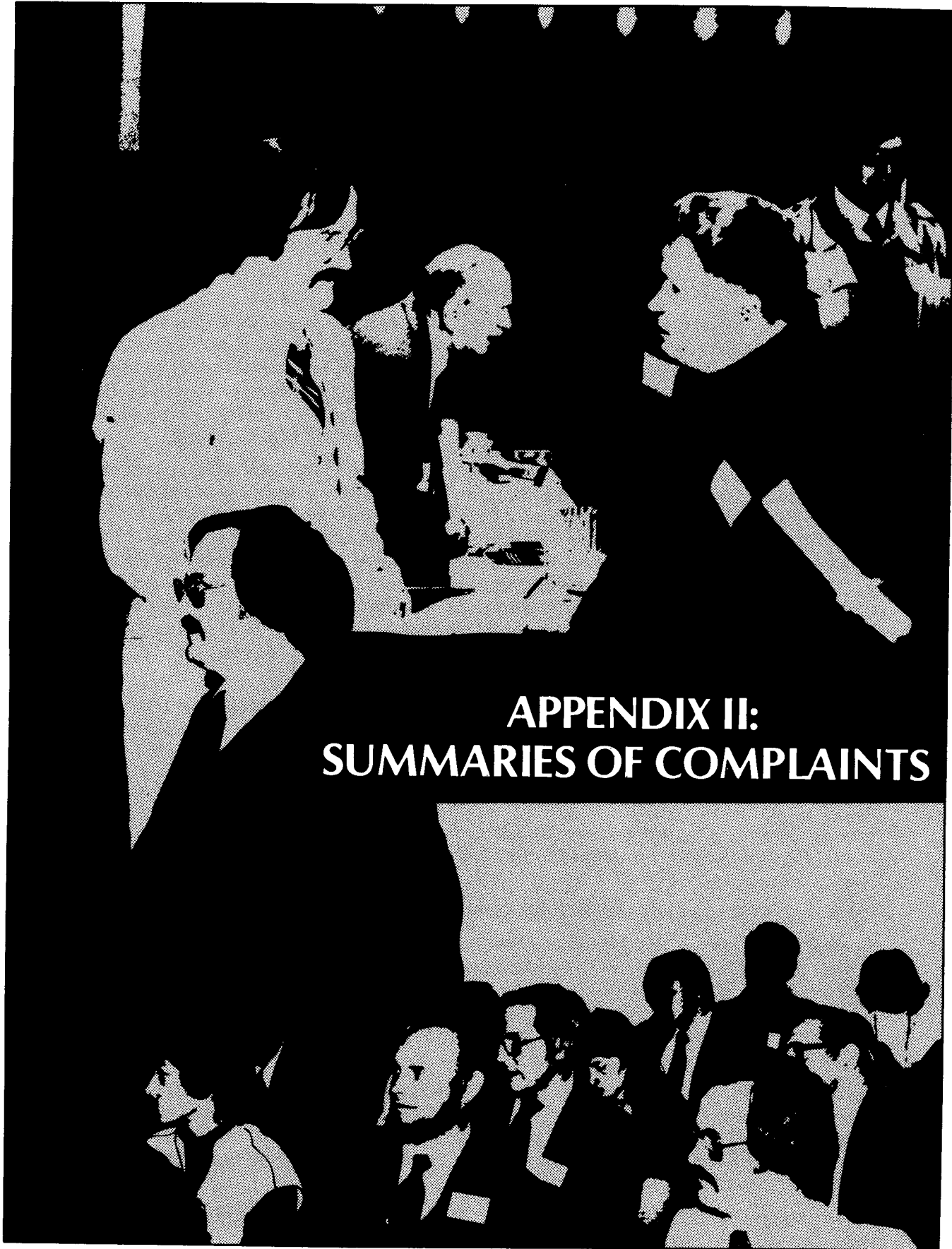
Authority	Number Accepted	Number Closed	Number Pending
Federal, Other Provinces, Other Countries	63	41	22
Home Construction & Repairs	7	5	2
Home Mortgaging	7	2	5
Real Estate Transactions	9	9	0
Private Insurance Matters	7	6	1
Other Consumer Matters	57	30	27
Employment	16	7	9
Family Legal Concerns (Divorce, Family Court, etc.)	10	7	3
Other Private Legal Matters	25	14	11
Lawyers' Actions	26	16	10
Medical Doctors' Actions	6	5	1
Other Professionals' Actions	9	2	7
Requests for Personal Assistance	23	14	9
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TOTAL	265	158	107

**TABLE 5
DISPOSITION OF COMPLAINTS
(PROCLAIMED AUTHORITIES)
OCTOBER-DECEMBER, 1979**

A) Investigation Declined (Discretionary: Section 10)	6
B) Investigation Discontinued	59
1) No jurisdiction	1
2) Withdrawn/abandoned	20
3) Referred	18
4) Resolved to complainant's satisfaction/no findings	20
C) Full Investigation	5
1) Substantiated	0
2) Not substantiated	5
D) Under Investigation	510
	580
TOTAL	580

**TABLE 6
DISPOSITION OF COMPLAINTS
(OUTSIDE OMBUDSMAN'S AUTHORITY)
OCTOBER-DECEMBER, 1979**

	Unproclaimed Authorities	Non-jurisdictional Matters	Total
1) Advice provided/no assistance possible . .	7	19	26
2) Referred to other agencies	16	114	130
3) Withdrawn/abandoned	2	15	17
4) Resolved with Ombudsman's assistance . .	3	10	13
5) Pending	51	107	158
	79	265	344
TOTAL	79	265	344



**APPENDIX II:
SUMMARIES OF COMPLAINTS**

SUMMARIES OF COMPLAINTS

These summaries of jurisdictional and non-jurisdictional complaints provide examples of the kind of assistance offered by the Office of the Ombudsman in 1979. The non-jurisdictional examples are quite representative of our work and approach to these complaints. The jurisdictional examples are less representative of our continuing efforts at resolving these kinds of complaints as the short reporting period of this Annual Report excludes some of the more complex cases handled by this Office. The 1980 Annual Report will include summaries of complaints that have been substantiated and have resulted in direct assistance to the complainant and changes in the administration of government programmes and policies.

INSURANCE CORPORATION OF BRITISH COLUMBIA

A woman complained to the Ombudsman that I.C.B.C. had not properly handled her claim following an accident in which her car and an out-of-province transport truck collided. The woman had received some benefits from I.C.B.C. to provide for her medical needs following the accident, but had not received money for costs of repairing the damage to her car. I.C.B.C. had advised the woman to seek compensation for the repair costs from the insurer of the transport truck. She had made some effort to contact this insurer, but without success.

My office made a number of inquiries in relation to the woman's complaint. It was established that the woman carried no collision insurance with I.C.B.C. and, as a result, could not claim for the repair costs. The other vehicle was from Alberta and therefore, not insured by I.C.B.C. To be successful in a claim for damages, the woman would need to show to the satisfaction of the out-of-province insurer, that there was legal liability on the part of the other driver. An agent in B.C. had been assigned by the out-of-province insurer to investigate the loss and act as its representative. The woman had not realized that this agent represented the other insurer. I.C.B.C. did not have the legal capacity to act on the woman's behalf, and had handled the case correctly. No claims had been made against the woman by the Alberta motorist, and liability in the accident was unclear.

The complainant was informed of this by the Office of the Ombudsman and was advised to research her position thoroughly before deciding to pursue the matter with the out-of-province insurer. As no claims had been made against her, there would be no effect on her Safe Driving Vehicle Discount as a result of the accident. In addition to legal costs, an unsuccessful action against the Alberta driver could jeopardize her eligibility for the Discount.

After considering the information provided, the woman informed the Office of the Ombudsman that she had decided not to pursue the matter further.

INSURANCE CORPORATION OF BRITISH COLUMBIA

A woman complained to the Ombudsman that settlement negotiations for a fire damage claim had reached an impasse because of the particular I.C.B.C. adjustor involved. The claim on the fire-damaged contents of her house did not appear to be approaching settlement. The contractor appointed to do the repair work had not met expectations and, consequently, patch-up work was required. In addition, the complainant believed that the adjustor had made uncomplimentary remarks about her.

My office discussed the matter with an I.C.B.C. official who agreed to review the file. The claim had been difficult from the outset, and had been further complicated by the inadequate work performed by the contractor given the task of repairing the complainant's home. The problems compounded until, eventually, the complainant could no longer deal with the adjustor assigned.

I.C.B.C. assigned a new adjustor and contractor. The complainant then reported that the settlement was progressing satisfactorily.

This completed the involvement of the Office of the Ombudsman in this matter. As I.C.B.C. had acted to resolve the matter, no formal investigation was required.

MINISTRY OF HEALTH

In early November 1979, my office began an investigation into a complaint from a person who had been denied medical coverage under the B.C. Medical Plan and who objected to that decision. A copy of a B.C. Medical Plan application form submitted by the complainant declared that he had continuously resided in British Columbia for a period of more than one year and that he had attained Landed Immigrant Status. He felt that he should, therefore, be eligible for coverage as it is usually available to Landed Immigrants after a short residency requirement. Upon further investigation, however, it was established that the complainant was in British Columbia on a tourist permit rather than as a Landed Immigrant. B.C. Medical coverage cannot be granted under that circumstance.

I therefore informed both the complainant and the Ministry of Health that my investigation had shown the complaint to be unsubstantiated.

MINISTRY OF HEALTH

A woman complained to the Ombudsman that, since 1971, she had been unable to obtain a delayed registration of birth for her mother. Vital Statistics personnel in the Ministry of Health had indicated that two independent supporting documents of the mother's year of birth, place of birth, and parentage were needed. Most of the mother's own records had been lost or destroyed by fire. One document was already on file with Vital Statistics, in the form of a 1921 Census record which noted that the complainant's mother was six years of age, and provided her address and parents' names.

My office became involved in trying to find a second suitable document. Inquiries were directed to the usual sources without success. However, personnel in the Examinations Branch of the Ministry of Education located the record of an examination, held in June, 1931, noting the age of the woman as 16. A complimentary copy was provided.

Spokane County Auditors were able to provide a registration of marriage under the Government Seal which noted that on the date of her marriage in 1936, the woman was 21 years old.

Through research in the Legislative Library, Vital Statistics' staff found a list of voters for 1916 which listed the woman's father's address at that time. As this list was prepared in 1915, it assisted in pinpointing the place of the woman's birth. In addition, a birth registration and Vital Statistics form signed by the father in his own hand, but not pursued, was located in the file.

The package of documents was submitted by the complainant and the application was approved. In addition, the complainant was referred to a Federal field officer who visits the area, in order to register her mother for her pension.

This completed the involvement of the Office of the Ombudsman in the matter. While the process was no doubt frustrating to the complainant, it is recognized that through the concern of Vital Statistics for facts and supporting documentation, confidence is maintained in the accuracy of the records of the province. Through the cooperation and assistance of many individuals, the complainant's problem was resolved.

MINISTRY OF FINANCE

The complainant had served as an agent in the sale of British Columbia Resources Investment Corporation shares. He contended that the requirements for reports and return of BCRIC share certificates was too detailed, cumbersome, and unwieldy for his small financial agency to handle. In addition, he was concerned that surplus certificates were expected to be returned at the expense of his agency.

My office discussed the problem with Ministry of Finance personnel who provided information regarding aid to small financial agents who are too limited by staff or size of operation to handle the procedure. The Ministry informed my office that it was prepared to supply the services of a secretary to complete the forms, balance the reconciliation reports, and accept the shares. In addition, a truck would be made available to pick up the surplus shares.

The complainant was advised of this, and an appointment was arranged for him to discuss these services with Ministry representatives. The complainant was then able to complete the process and the involvement of the Office of the Ombudsman was concluded.

MINISTRY OF HUMAN RESOURCES

A man came to the Office of the Ombudsman with a complaint that the Ministry of Human Resources was initiating procedures to make his son a permanent ward within three weeks. Although the complainant recognized that he was unable to provide a suitable home for his son at present, he was concerned that he would lose all input into the boy's future if he was made a permanent ward.

My office referred the man to Legal Aid to ensure that his interests were represented at the hearings on his child's future. The complainant also had expressed frustration in searching for employment and guidance in preparation of a resume. Referrals to employment agencies and Canada Manpower were provided.

The involvement of a lawyer assigned through Legal Aid resulted in the Ministry of Human Resources withdrawing the application for ward care. It had been agreed that the son would live in a group home, but the father would continue to have input into his son's future.

As the emergency brought to the attention of the Ombudsman was resolved, the case was closed with no further investigation.

MINISTRY OF HUMAN RESOURCES

An Alberta couple wrote to the Ombudsman about their former foster child. The couple had cared for the boy and his half-brother for three years, until the younger boy was returned to his natural father who had remarried and moved to British Columbia. The foster parents continued to care for the older brother who remained with them. The couple were concerned that the brothers had been separated. In addition, they had heard that their former foster child was seriously ill and were distressed that they had been unable to communicate directly with anyone who could inform them about the boy's health and adjustment to his new home. The foster parents believed that the Ministry of Human Resources had been in contact with the family in British Columbia.

My office contacted the foster mother, ascertained which Ministry of Human Resources office might be involved, and discussed the matter with the appropriate Regional Manager. Ministry personnel contacted the Social Services office in Alberta to ascertain if there was any valid reason the foster parents should not have direct contact with the social worker in contact with the B.C. family. I was advised that there was no objection.

This information, along with the social worker's name and telephone number, was conveyed to the foster parents. Then, the couple were able to communicate directly with a person familiar with the boy's circumstances, thus allaying some of their anxiety over the removal of the boy from their home.

This completed the involvement of the Office of the Ombudsman in the matter. A formal investigation was not undertaken as the problem did not constitute a formal complaint against the Ministry. It was rather a situation in which assistance was provided through persons in the Ministry who responded to information provided by the Office of the Ombudsman, bringing the problem to what I trust was a satisfactory resolution for all concerned.

MINISTRY OF HUMAN RESOURCES

The complainant, an elderly widow, came to the Ombudsman because her income supplement had been terminated by the Ministry of Human Resources "without reasonable cause" in her opinion.

The complainant, a Canadian citizen, suffered from a respiratory ailment, and had been living in California, in her motor-home, for six months of each year for the past two years. When she first travelled to California, she had been receiving Canada Pension Plan and Old Age Pension payments from the federal government, and also supplemental benefits from both federal and provincial governments. On returning to Canada, she was cut off from both income supplements. She considered her financial situation to be "desperate", because, after making payments on her motor-home, she had only \$57.00 per month to cover all living expenses. She had been forced to seek employment, but did not consider this appropriate for her age. The complainant hoped to live permanently in the United States.

My office discussed the complaint with the Ministry of Human Resources and, informally, with the federal Health and Welfare Branch and the U.S. Consulate in Vancouver.

Ministry of Human Resources personnel working with the GAIN for Seniors Division explained that the GAIN (Guaranteed Available Income for Need) supplement is paid monthly when a pensioner receives the federal Guaranteed Income Supplement. If the federal supplement is cut off, the provincial supplement is terminated automatically. Payment as well as termination are dependent on Guaranteed Income Supplement (GIS) qualification. As the provincial supplement is a benefit for those people actually residing in British Columbia, the supplement is not payable out of the country, and is paid only for the month of leaving, if a person moves from British Columbia for a period of over 30 days. Alternative income assistance possibilities were discussed with Ministry personnel, who suggested the complainant could qualify for Plan 5 assistance*, after a means test, for periods during which she resides in British Columbia.

Federal Social Security program staff explained that our complainant was not considered a Canadian resident because she had informed program staff that she resides in the U.S. and expressed an intention to reside there permanently. According to their interpretation, the complainant did not maintain "tangible" residence in Canada as she lived in a motor-home which bore California licence plates, and which could be moved at will. In addition, the complainant did not maintain an address in British Columbia, but used a bank as her address. The federal G.I.S. is payable for only six months after a person takes up residence outside Canada; payments to the complainant had been terminated, with notification and reasons given. The federal government employee advised the complainant to take up a tangible form of residence in Canada and change her licence plates to British Columbia plates, as evidence of her intention to reside in Canada.

The United States Consulate advised that it was most unlikely that our complainant would get a visa to reside permanently in the United States in any case.

The complainant was advised of the findings of the investigation, how to apply for the alternative benefits from the Ministry of Human Resources and how to re-establish Canadian residency to meet the federal requirements.

Our complainant then applied successfully to receive Plan 5 benefits from the Ministry of Human Resources while she remains in British Columbia. She has taken steps to establish Canadian residency, and the federal government has agreed to reassess her eligibility for the federal supplement.

* Plan 5 assistance would be based on actual shelter costs and any other income received. In addition, the cheque would be mailed to her home address or Human Resources District office and the cheques would be discontinued when she left the province.

This completed the action of the Office of the Ombudsman on this complaint. Ministry of Human Resources personnel had not acted improperly, but an alternative resolution to the problem was found.

BRITISH COLUMBIA BUILDINGS CORPORATION

The complainant approached the Ombudsman because she had been frustrated in her attempts to obtain cash for a cheque from B.C.B.C. A cheque sent to the woman from B.C.B.C. had not been received by her, and was later found to have been deposited at a bank, with a forged signature. The complainant notified B.C.B.C. personnel, who advised her to obtain a statutory declaration and present it to the bank. However, when she followed this advice, the bank would not make restitution and informed her that B.C.B.C. was wrong. At this point, she requested assistance from the Ombudsman.

My office contacted the bank and B.C.B.C. officials to determine a procedure acceptable to both, and then advised the complainant who acted accordingly. B.C.B.C. issued a second cheque, which was cashed by the complainant.

As the problem was resolved, the involvement of the Office of the Ombudsman was concluded.

MUNICIPAL COMPLAINT

A woman complained to the Ombudsman that she had not been properly informed that her property in another city was being down-zoned; that a strip of land across the front of her property had been used for sewer installation without her signature on a Right of Way Agreement; that expropriation of this land was proceeding without settlement of her claim; and that access to her property was thus being removed.

The complainant was informed that, until item 4 of the **Ombudsman Act** Schedule of Authorities is proclaimed, the Ombudsman does not have authority to investigate complaints against Municipalities. However, as this office was involved in other investigations in the city concerned, informal inquiries were made to determine whether a resolution to the complainant's problem could be suggested.

One of my assistants inspected the site of the complainant's property, and met with the City Planners to discuss the procedures used for re-zoning property, for obtaining sewer easements on properties adjacent to the complainant's, and the settlements made. As it appeared that the City would need to spend in excess of \$1,000 in expropriation proceedings, it was suggested that a middle ground might be reached between the City and the complainant to the benefit of both. The complainant was informed of the avenues available to her, and the City and the complainant were advised of the Ombudsman's interest in the parties resolving the issue to the satisfaction of both.

As no authority existed for the Office of the Ombudsman to investigate or make formal recommendations, the involvement of the Office was concluded.

PRIVATE LEGAL MATTER

The complainant alleged that he had been defrauded of his property investment by a man who was later convicted and sentenced on evidence from a number of individual cases. The R.C.M.P. had considered evidence from the complainant, but had not used it to obtain conviction. Although the complainant had contact with two lawyers in the case, he did not feel his interests were safeguarded and, as a result, a considerable investment had been lost. The complainant asked the Office of the Ombudsman to investigate possible civil action against the convicted man, and also the role of his own lawyers, to determine if anything could be done to regain his losses.

As both the property concerned and the legal representation question were private matters, the Ombudsman's office had no authority to provide direct assistance. The complainant was

advised to seek further legal counsel on the matter of civil action. In addition, he was referred to the Law Society of British Columbia to pursue his concerns about the actions of his previous lawyers in the case.

ALBERTA WORKERS' COMPENSATION BOARD

A man complained to the Ombudsman that he had been unable to collect compensation payments from the Alberta Workers' Compensation Board. The complainant was a British Columbia resident who had moved to Alberta to work in a mine there, but then had returned to B.C. after injuring his knee at work.

Because the man's complaint concerned the Workers' Compensation Board of Alberta, an agency outside the authority of the British Columbia Ombudsman, the matter was referred to the Alberta Ombudsman, Dr. Randall Ivany. An investigation was started by that office.

The Alberta Ombudsman's inquiries with the Alberta Workers' Compensation Board resulted in the acceptance of the man's claim. He was issued a cheque for retroactive benefits for the period from when he left his job to the date his own doctor in British Columbia certified him fit to return to suitable employment.

In most cases where a complainant's concern lies outside the jurisdiction of this office, neither I nor my staff have an opportunity to discover the results of a referral. The cooperation of the Alberta Ombudsman in this matter was appreciated.

PRIVATE CONSUMER MATTER

A man contacted the Ombudsman with a complaint involving a car dealership. The complainant stated that the dealership owed him approximately \$900.00 in back wages, and had also issued a cheque for \$2,000.00 to his friend, while having insufficient funds available for her to cash it. The complainant had a demonstration car in his possession which he wished to keep until the dealership paid both of them. The dealership wanted to have the vehicle returned.

The complainant was advised that the Ombudsman's authority does not extend to investigation of complaints about private companies, and the complainant was referred to the local office of Consumer and Corporate Affairs for further advice and assistance.

COMBINATION OF FEDERAL AND PRIVATE COMPLAINTS

A man complained to the Ombudsman that, after seventeen years of service with the Canadian Armed Forces, he had been released in 1978 on medical grounds, but had not been granted a pension. Subsequently, he had been employed by a large company in British Columbia, but was asked to resign when the company discovered that his application for employment contained no information on his disability. When he found another job, he was not granted relocation expenses by Canada Manpower as that office stated he did not meet the criteria for such assistance.

The man was advised that neither the federal complaints, nor the private employment problem were within the Ombudsman's authority to investigate. However, he was provided with a referral to the Canadian Human Rights Commission for assistance in the matter of the medical pension and was given information to aid him in approaching the private company to correct his record of his employment there.

FEDERAL AND MUNICIPAL MATTER

A man complained to the Ombudsman that his neighbours had been cutting trees and thus destroying a greenbelt area near his home. The town council had passed a by-law forbidding the cutting or topping of trees without a permit, but according to the complainant, a number of trees had been badly damaged. The man did not know who owned the land, but believed the Ministry of Lands, Parks and Housing might have jurisdiction. He wanted the Ombudsman to

view the damage and request the town council to postpone granting permits until an investigation by the Office of the Ombudsman could be completed.

At the time the complaint was received, the authority of the Ombudsman in this area was uncertain. My office decided to make the necessary inquiries about jurisdiction and to gather further information about the problem.

A legal description of the land in question was obtained and a Land Registry search conducted. It was determined that the last name on the title for the parkland was the federal Central Mortgage and Housing Corporation. At the request of this office, a C.M.H.C. official agreed to investigate the title. He believed that C.M.H.C. still held the title in error as it should have been transferred to the town. A subsequent conversation with the C.M.H.C. official again disclosed that he believed C.M.H.C. still held title to that land, but that the error would be corrected. In addition, I was informed that, even if C.M.H.C. owned the property, it would not become involved in prohibiting the cutting of trees, but would ask the Township to supervise such problems.

My office then spoke with an official of the Township who advised that the by-law requiring permits for cutting or topping trees had been passed only four to six weeks previously. An application for such a permit had been received, but no decision had yet been reached. If the application was approved, the work of tree-cutting would be done by, or under the supervision of, the town council. Whether or not the title was clearly held, the town had taken the position that it had jurisdiction over the land, by virtue of Section 627 of the **Municipal Act**, which provides that "where land in a municipality is dedicated to the public for the purpose of a park, . . . the municipality is deemed to have had possession and control thereof for such purpose from the date on which it was so dedicated. . ."

The investigator then contacted the Ministry of Lands, Parks and Housing staff charged with responsibility for enforcing the **Greenbelt Act**. The ministry advised that the Province had no jurisdiction over the land in question, without an agreement with the municipality to oversee the land. The inquiries had shown that the Ombudsman had no authority to intervene further as there was no provincial government ministry involved. The complainant was advised of this conclusion. However, the man was also informed of my findings regarding the ownership and control of the land, and the procedures developed by the town council in this matter.

FEDERAL CROWN CORPORATIONS

A man complained to the Ombudsman that the policies respecting the management of space allotments at Granville Island Market for craft sales, particularly those applying to weekend allotments and the type of crafts displayed for sale, were arbitrary and restrictive. With regard to his craft sales, the man was concerned that the managers would not extend to him the same privileges which food vendors received in leasing space.

As the Granville Island Market is a responsibility of Central Mortgage and Housing Corporation, a crown corporation of the federal government, the man's problem was not within the Ombudsman's authority to investigate. He was referred to an investigator with the federal Consumer and Corporate Affairs Office in Vancouver for further consideration of his complaint.