



National Capital Commission Ombudsman

Summary of Activity 2022–2023



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June 12, 2023

Dear Members of the Board,

I am pleased to submit this Summary outlining the activities of the NCC Ombudsman for the period April 1, 2022 to March 31, 2023.

I have appreciated the opportunity to serve the Board and the public during this period of my mandate. I look forward to further interactions with the Board, National Capital Commission and members of the public.

Thank you for your ongoing support and confidence.

Yours truly,



Oriana Trombetti





MANDATE OF THE NCC OMBUDSMAN

The Ombudsman for the National Capital Commission (NCC) is required to provide members of the public with an independent, neutral, fair, and confidential process to resolve complaints concerning the decisions and activities of the NCC. The goal is to reach the best possible understanding of a situation or concern and create a positive outcome, if possible. In some cases, the circumstances will require that a full investigation of a decision or a situation be carried out. Where appropriate, recommendations can accompany findings.

The mandate of the Ombudsman is articulated in Terms of Reference dated July 31, 2017. The Ombudsman can intervene or investigate NCC activities and decisions that include:

- Use of Public Assets
- Fees Charged to Access Public Assets
- Processes Carried out to Maximize Use of Public Assets
- Maintenance of NCC Property and Assets

There are matters where the Ombudsman does not have authority and therefore cannot become involved. For example, decisions of the Board of Directors or its committees are not reviewable.



What is an Ombudsman?

The word Ombudsman is of Swedish origin. The role was established in Sweden to create a process to address complaints made by individuals against public organizations and agencies.

An ombudsman is an independent, neutral official who investigates complaints about an organization or agency. While the role originated with public institutions, increasingly private organizations such as banks and universities provide ombudsman services to their constituents. In dealing with an inquiry or a complaint, an Ombudsman must first decide whether or not the issue falls within a clearly established mandate. Then the Ombudsman seeks to resolve the matter to the satisfaction of the parties involved through discussion, negotiation, or another conflict resolution method.



THE YEAR IN REVIEW

This annual report covers the period of April 1, 2022 to March 31, 2023 and outlines activities carried out by the Office.

Contacts With the Office

From April 1, 2022 to March 31, 2023, members of the public communicated with the Office of the Ombudsman on 51 occasions. The issues raised included the following:

- Access to NCC assets during the pandemic
- Meech Lake Pilot Project
- Collection of Personal Information
- Procurement Processes
- Public Use of NCC land

The table below shows how the Ombudsman dealt with the complaints.

In some cases where the issue raised did not fall within the mandate of the Ombudsman, efforts were made to redirect citizens to other avenues for information or redress, in keeping with the role of an Ombudsman.

April 1, 2022 to March 31, 2023

Type of issue/inquiry	Number of issues/inquiries
Outside the NCC mandate	14
Standard referral to the NCC	34
Informal dispute resolution	3
Complaint investigated	0
TOTAL	51



The United Nations Resolution on the Role of the Ombudsman

On December 16, 2020 the United Nations General Assembly adopted the United Nations Resolution on Ombudsman and Mediator institutions. The resolution recognizes the role that ombudsmen play in protecting citizens and their rights, advocating for strong governance practices, and promoting respect for rules and the law.

There is a growing interest throughout the world and, indeed in Canada, in the creation and strengthening of Ombudsman institutions based on their demonstrated effectiveness in resolving issues faced by a citizen or group of citizens. Such offices can also serve as a source of information or advice to those who develop public policies, procedures, and laws resulting in more informed and citizen centric outcomes.



FILES INVOLVING SIGNIFICANT ACTIVITY

Update on Investigation Carried Out During 2021 – Access to Gatineau Park Parkways by Motorized Vehicles

During 2021, the Ombudsman carried out an investigation following receipt of three complaints concerning the limited access that motorized vehicles had to the Gatineau Park parkways during the 2021 spring and summer season. Some individuals and groups of the public were of the opinion that the access provided by the NCC resulted in favoritism towards cyclists and constituted unfairness and possibly discrimination against one or more citizens or groups of citizens including seniors, persons with disabilities, and families with young children.

A final investigation report with recommendations was delivered to the NCC at the end of November, 2021. In January 2022, the Ombudsman was advised that NCC officials would consider the recommendations in the development of the schedule for the 2022 season. During the 2022 season, the Ombudsman received additional correspondence about the issue due to continuing dissatisfaction among some members of the public.

The matter is currently before the Canadian Human Rights Commission (CHRC) in a complaint that was filed on November 30, 2021. The NCC was notified in April, 2023 that the CHRC decided to refer the complaint to the Canadian Human Rights Tribunal for adjudication under Section 49 of the Canadian Human Rights Act. A panel is to be constituted. The Ombudsman continues to follow this issue.



Intervention in Open Water Swimming Pilot Project at Meech Lake

The Open Water Swimming Pilot Project is intended to facilitate a safe way to engage in open water swimming, an increasingly popular activity. The Ombudsman received complaints about the project during the summer of 2021. Some citizens expressed the view that swimmers were not complying with the various rules, regulations, and requirements of the project, thus creating risks to public health and safety for all users of the lake. They were of the opinion that the NCC should be doing more to mitigate risks and ensure public health and safety. These complaints continued during the summer of 2022 and the Ombudsman made a decision to intervene.

The Ombudsman participated in several meetings with NCC Officials to understand better how the NCC was approaching the pilot project and addressing the risks at hand. Following these consultations and a review of the situation, the Ombudsman made recommendations to the NCC in August, 2022. The recommendations were taken into consideration by the NCC as it proceeded with the 2022 operational season. The Ombudsman continues to follow this issue.

How to contact the NCC Ombudsman confidentially

Email
infoOmbudsman.ncc-ccn.ca

Mail
NCC Ombudsman
311-40 Elgin Street
Ottawa ON K1P 1C7

Website
www.ombudsman.ncc-ccn.ca

Telephone
Direct Line: 613-668-3874
Toll Free: 1-844-668-3874