



The Office of the
Ombudsperson

Mr. Brad Sperling
Chair
Peace River Regional District
PO Box 810
DAWSON CREEK BC V1G 4H8

2nd floor – 947 Fort Street
PO Box 9038 STN PROV GOVT
Victoria BC V8W 9A5

www.bcombudsperson.ca

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

February 24, 2020



Dear Mr. Sperling,

RE: Quarterly Report: October 1 – December 31, 2019

This package of documents details the complaint files the Office of the Ombudsperson closed for **Peace River Regional District** between October 1 and December 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/gr-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.

Yours sincerely,

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

Jay Chalke
Ombudsperson
Province of British Columbia

Enclosures



The Office of the Ombudsperson

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Victoria BC V8W 9A5
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Quarterly report for Peace River Regional District for October 1 – December 31, 2019

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

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.

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

Closing Summary Index

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

File Number	Complainant	Authority	Authority Contact	ER file
18-170314 /001	Schwarz, Florian	Peace River Regional District	Shawn Dahlen Chief Administrative Officer	

Closing Summary

Authority: Peace River Regional District
File Number: 18-170314 /001
Closing Date: 04-Nov-2019
Closing Status: *Closed; Investigation; Ceased (discretion) (s.13); No benefit to complainant or person aggrieved (s.13(f)); No findings*
General Complaint Topics: Process/Procedure
Authority-specific Complaint Topics: Official Community Plan/Zoning/Development

The Complainant applied for rezoning in 2013 at the Regional Board meeting held to consider third reading of the amending bylaw held in July 2014 it was resolved to hold the rezoning application in abeyance pending the finalization of the local area OCP. The rezoning application remained in abeyance until 2018 when the applicant asked to have his application reconsidered. As of the time of reconsideration there had still been no conclusion to the OCP amendment process.

We investigated the complaint to find out more information about the process governing application files held in abeyance. There was some concern about the length of delay in reconsidering the Complainant's rezoning application. There was also some concern because the complainant claimed that other rezoning applications in the Regional District were being heard despite the lack of OCP finalization.

During the course of our investigation, the complainant's reconsideration was heard and the complainant obtained the rezoning. Therefore there was no benefit to further investigation by our office. On that basis we closed our file. However, we remain concerned about the potentially indeterminate nature of the abeyance process, and the potential for administrative unfairness as a result of files being abeyed with no set review or return date.

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@bcombudsperson.ca or call us at 250-508-2950.

Sector-Specific Complaint Topics - All Local Government

Business Licensing	3	2%
Bylaw Enforcement	64	34%
Council Member Conduct (incl. Conflict of Interest)	6	3%
Official Community Plan/Zoning/Development	36	19%
Fees/Charges (incl. Taxes)	14	7%
Open Meetings	3	2%
Procurement	2	1%
Services (incl. Garbage, Sewer, Water)	14	7%
Response to Damages Claim	4	2%
Other	42	22%

General Complaint Topics - All Local Government

Decision/Outcome - Disagreement with	89	34%
Delay	11	4%
Administrative error	11	4%
Treatment by staff	19	7%
Communication	35	14%
Process/Procedure	67	26%
Complaint/Review/Appeals Process	13	5%
Employment/Labour Relations	1	0%
Other	13	5%