



December 23, 2016

Mr. Alar Soever

Thornbury, ON
N0H 2P0
via email

Dear Mr. Soever,

RE: Ombudsman Complaint

I am writing further to your email of December 21, 2016 and our conversation of December 22. In your email you expressed concerns about our review of your complaint regarding the Town of the Blue Mountains (the Town).

Your complaint to our Office pertained to the Town's investigation of allegations against a member of council. You alleged that the Town conducted an investigation under the Code of Conduct, but failed to make the resulting report available to the public as required by s. 223.6(3) of the *Municipal Act, 2001* (the Act). In reviewing your complaint, our Office spoke with Town staff and considered relevant documents relating to the Town's investigation.

The information provided to our Office indicated that the Town investigated the allegations under its own harassment policy rather than the Code of Conduct. As s. 223.6(3) of the Act only applies to Code of Conduct investigations, there was no requirement that the Town make its investigative findings public. We discussed these findings on November 24, 2016, and I advised you that we would not be further reviewing your complaint. We provided our conclusions to the Town in a letter of November 30.

You also complained to our Office about the manner in which the Town's investigation had been conducted. Specifically, you alleged the councillor that was the subject of the investigation had not been treated fairly. When we spoke on November 24 we discussed that our Office could review such concerns if the council member in question contacted us directly.

In your email to our Office of December 21, you expressed concerns about our November 30 letter to the Town, which the Town made available to the public. Specifically, you believed that our Office had

incorrectly concluded that the Town properly conducted its investigation and that the member of council had been treated fairly.

When we spoke on December 22 I clarified that, in reviewing your complaint, our Office did not make any findings about the investigative process used by the Town or the investigator's conclusions. As noted in the first paragraph of our November 30 letter to the Town, our review was limited to consideration of your complaint that the Town did not make the investigative findings available to the public.

I trust this letter will clarify the scope of our review. Please do not hesitate to contact me should you have any questions.

Regards,

Michelle Bird
Office of the Ontario Ombudsman