



The Corporation of the City of Courtenay

Briefing Note

To: Council
From: Manager of Legislative Services
Subject: Ombudsperson Meeting

File No.: 0135-20
Date: December 10, 2025

PURPOSE: To provide information about the Office of the BC Ombudsperson, and a summary of the City's November 6, 2025 meeting with the BC Ombudsperson, Jay Chalke.

BACKGROUND:

The BC Ombudsperson is an independent officer of the Legislative Assembly of British Columbia whose job is to make sure public-sector bodies treat people fairly. The Ombudsperson investigates complaints about "administrative unfairness" — for example, decisions, omissions, or procedures used by public authorities that individuals believe are unreasonable or unjust. There are approximately 2600 public bodies in BC that are covered by the Ombudsperson's mandate. The office can respond to individual complaints, launch investigations on its own initiative, or investigate matters referred by the Legislative Assembly or its committees. Under the province's whistleblower law — the Public Interest Disclosure Act — the Ombudsperson also handles disclosures of wrongdoing by public-sector employees and investigates allegations of reprisal.

Local governments in BC fall under the jurisdiction of the Ombudsperson, so if a person believes a municipality has treated them unfairly in an administrative process, they can bring a complaint to the Ombudsperson, after first trying to resolve the issue with the municipality. Unless it is an urgent life safety issue, the Ombudsperson will always require the complainant to try to first resolve the issue themselves. Administrative decisions can include any decision that impacts individuals or groups, and there is a broad range of people in a municipality that make these decisions. The Ombudsperson's office can investigate if these decisions were made fairly, meaning the process was reasonable, impartial, and transparent, and that the decision-maker considered all relevant factors and explained their reasoning.

The Ombudsperson's office is one of nine independent offices of the BC Legislature. These officers are appointed to support oversight, accountability, fairness, and transparency in public institutions:

- Office of the Auditor General of British Columbia — audits government finances and performance.
- Elections BC (the office of the Chief Electoral Officer) — administers provincial (and local) elections, by-elections, referenda, campaign financing, etc.
- British Columbia Ombudsperson — investigates administrative fairness complaints.
- Conflict of Interest Commissioner — oversees disclosures of financial interests of Members of the Legislative Assembly (MLAs), gives advice, and investigates alleged breaches of the conflict-of-interest law.
- Information and Privacy Commissioner of British Columbia — enforces access to information and privacy laws, reviews FOI requests and privacy complaints, and maintains the lobbyists registry.
- Merit Commissioner — ensures hiring and dismissals in the public service are based on merit and reviews appeals from public-service employees.
- Police Complaint Commissioner of British Columbia — handles complaints about the conduct of municipal/special-municipal police officers or departments under the provincial Police Act.

- BC Human Rights Commissioner — protects and promotes human rights, addresses systemic discrimination issues, and monitors human-rights implications of policies and legislation.
- Representative for Children and Youth — advocates for children and youth in relation to provincial child and youth welfare systems.

These offices are independent of the government in power. They report instead to the Legislative Assembly. Each has a defined mandate and powers under law. For example, the Ombudsperson under the Ombudsperson Act can investigate a decision or act by a public authority, even if that decision was considered “final” under other laws. The Ombudsperson cannot always force the municipality to change a decision since their powers are investigatory and recommendatory. If they find unfairness, they issue recommendations to the municipality or public authority for improvements in administrative practice or fairness.

Recent examples involving municipalities:

- In March 2025, the Ombudsperson pointed to two reports from Vancouver Park Board and its Integrity Commissioner that showed serious flaws in municipal integrity oversight, including a finding that six of seven commissioners had breached open-meeting obligations. Because the body that found the breaches lacked the power to impose sanctions, the Ombudsperson argued this exposed “a critical flaw” in BC’s optional system and urged the provincial government to create enforceable, province-wide legislation for municipal ethics oversight.
- Also in 2025, the Ombudsperson released a new draft of its 2012 “Open Meetings Best Practice Guide for Local Governments,” emphasizing that open meetings at municipal governments are legally required. The guide offers best practices for municipal councils and local governments to help them comply with existing open-meeting laws. This demonstrates that the Ombudsperson aims to be proactive, offering guidance for better governance before more serious problems arise.
- The 2023 special report by the Ombudsperson’s office on disaster supports after wildfires and floods, “Fairness in a Changing Climate: Ensuring disaster supports are accessible, equitable and adaptable” included municipal property and local government action in its scope through investigating responses to the 2022 floods due to atmospheric rivers. The Ombudsperson’s office identifies topics for special investigations by looking at complaints, trends, and scanning the news.
- The Ombudsperson investigates a broad range of municipal issues, on a complaint basis, including tax sales, open meeting questions, and development notices. According to the 2024-25 annual report from the Ombudsperson’s office, there were thousands of enquiries and complaints about local governments, with 13% of complaints (667), about municipalities, plus others about regional districts and local public bodies. The top topics included bylaw enforcement, community planning issues, fees and charges, and council member conduct, including open meetings.

Jay Chalke has served as BC’s Ombudsperson since May 2015, following a unanimous appointment by the provincial legislature, and was re-appointed in 2021. Before that, he held senior public service roles including heading the Justice Services Branch of the provincial Ministry of Justice, and serving as the first Public Guardian and Trustee of British Columbia. As Ombudsperson, Chalke has overseen multiple systemic investigations spanning health-sector employment terminations, treatment of people in custody, and fairness in disaster-relief supports, among others. In May 2025, Chalke announced he plans to step down in early 2026. He is the longest-serving Ombudsperson in BC’s history.

DISCUSSION:

The Ombudsperson requested a meeting with the City to share information on Ombudsperson processes, such as investigations. The Ombudsperson met with Mayor Bob Wells and Corporate Officer Adriana Proton

on November 6, 2025. The Ombudsperson said that he meets with public bodies who do not have a large number of complaints or investigations, so that they will be more aware of and comfortable with the investigation process if an investigation does occur.

To respond to a complaint, the Ombudsperson would advise the person to contact the municipality themselves. If that does not resolve the issue, the Ombudsperson could open an investigation, and would reach out to the City. They would request records that apply to the complaint, including the applicable bylaws or policies, and see whether the City followed its policies, and whether there were any issues with the process. It would likely not publish findings unless the City was unable to come to a resolution that all parties found fair.

While the City of Courtenay regularly does have complaints made through the Ombudsperson Office, it is rare that it is escalated to an investigation. This could be for a number of reasons: because the Ombudsperson's Office was able to help upon receipt of the complaint; because the City was able to resolve the issue before an investigation was required; or because the complaint was not under the Ombudsperson's purview. For example, the Ombudsperson noted that his Office cannot investigate reports of interpersonal issues, and often cannot investigate Council conduct.

In 2023-24, of over 7300 complaints, 39% of complaints were assigned to an investigator. 667 of the complaints were about local governments. The Ombudsperson observed that while the overall number of complaints is not increasing quickly, those that do get assigned to an investigator are becoming more complex. This is partly due to newer tools on the website like the Complaint Checker, to provide guidance to the public before they contact the Ombudsperson. In addition to responding to complaints, the Ombudsperson is currently undertaking an investigation into exclusions in K-12 public education in BC.

RECOMMENDATION: THAT Council receive the "Ombudsperson Meeting" briefing note.

ATTACHMENTS:

1. 2024-2025 BC Ombudsperson annual report
2. Fairness Facts: Making Fair Decisions

Prepared by: Adriana Proton, MPA, CRM, Manager of Legislative Services

Reviewed by: Anne Guillo, Director of Corporate Services

Concurrence: Geoff Garbutt, M.Pl., MCIP, RPP, City Manager (CAO)