



## OMBUDSPERSON BRITISH COLUMBIA

The *Ombudsperson Act* requires that investigations be conducted in private. Ombudsperson investigation documents are not available through the *Freedom of Information and Protection of Privacy Act* and may be subject to rules preventing their use in court and tribunal proceedings. **Please contact the Office of the Ombudsperson before disclosing this document, or any responses, to any third parties.**

RECEIVED

AUG 11 2025

TOWN OF CRESTON

June 30, 2025

Mayor Arnold DeBoon

Town of Creston  
PO BOX 1339  
CRESTON BC V0B 1G0

Dear Mayor Arnold DeBoon:

**Re: Office of the Ombudsperson Quarterly Report: October 1 - December 31, 2024**

This package of documents details the complaint files the Office of the Ombudsperson closed for Town of Creston between October 1 and December 31, 2024. Though no action is required on your part, we hope that you will find this information useful and share it within your organization.

These reports provide 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. Files currently open with the office are not included in these reports.

If you would like further information about the complaints our office received about your organization, or you have identified inaccuracies in the data, please contact our office's Policy, Research and Continuous Improvement team. They can provide further details upon request and can be reached at [PRCI@bcombudsperson.ca](mailto:PRCI@bcombudsperson.ca) or by phone at 250-953-4171.

Enclosed you will find detailed reports containing the following:

- A one-page report listing the number of files closed and the category under which they 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 our jurisdiction. A more detailed description of our closing categories is available on our website at: <https://bcombudsperson.ca/assets/media/QR-Glossary.pdf>.
- If applicable: Copies of closing summaries written about the complaint files we investigated. These summaries provide an overview of the complaint received, our investigation and the outcome. Our office produces closing summaries for investigated files only, and not for enquiries or those complaints we chose not to investigate.



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- If applicable: A summary of the topics identified in the complaint files closed during the quarter. 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. Our office tracks the topics of complaints we investigate and those we close without investigation, but not for enquiries. Because complaints to our office are confidential, we do not share complaint topic information if we received too few complaints to preserve the complainants' anonymity.

If you wish to update your organization's contact information, please contact us by email at [info@bcombudsperson.ca](mailto:info@bcombudsperson.ca).

To learn more about educational opportunities on administrative fairness provided by our office, or if you wish to consult with our office to enhance fairness within your organization's policies or procedures, our Public Authority Consultation and Training (PACT) Team can assist you. Please contact them by email at [consult@bcombudsperson.ca](mailto:consult@bcombudsperson.ca) or by phone at 250-508-2950.

Yours sincerely,

Jay Chalke  
Ombudsperson  
Province of British Columbia

Enclosures





## OMBUDSPERSON BRITISH COLUMBIA

Quarterly Report for 1 October - 31 December, 2024  
Town of Creston

Type of complaint closure for Authority: Town of Creston	# closed
<b>Enquiries</b> – 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.	0
<b>Complaints with No Investigation</b> – 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> .	0
<b>Early Resolution Investigations</b> – 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
<b>Complaint Investigations</b> – 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> .	1
<b><i>Reason for closing an Investigation</i></b>	
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
Frivolous/vexatious/trivial matter	0

Can consider without further investigation	0
No benefit to complainant or person aggrieved	0
Complaint abandoned	0
Complaint withdrawn	0
<b>Complaint settled in consultation with the authority –</b> 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.	1
Complaint substantiated with formal findings under the <i>Ombudsperson Act</i> .	0
Complaint not substantiated under the <i>Ombudsperson Act</i> .	0
<b>Ombudsperson Initiated Investigations –</b> 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



## OMBUDSPERSON BRITISH COLUMBIA

Investigations Closed from 1 October - 31 December, 2024  
Town of Creston

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### 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 file number, closing date 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	Authority	Authority Contact	ER file
24-000983 / 001	Town of Creston	Michael Moore	

Mailing address: PO Box 9039 Stn Prov Govt • Victoria BC V8W 9A5

Phone in Victoria: 250-387-5855 • Toll-Free: 1-800-567-3247 • Fax: 250-387-0198 • [bcombudsperson.ca](http://bcombudsperson.ca)



## Closing Summary

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<b>Authority:</b>	Town of Creston
<b>File Number:</b>	24-000983 / 001
<b>Closing Date:</b>	19-Nov-2024
<b>Closing Status:</b>	<i>Complaint settled under s. 14 (s. 13(i))</i>
<b>General Complaint Topics:</b>	Administrative Error, Disagreement with Decision or Outcome, Process or Procedure
<b>Authority-specific Complaint Topics:</b>	All Local Government / Bylaw Enforcement, Fees/Charges (incl. Taxes)
<b>Closing Summary:</b>	<p>A Property Owner living out-of-province complained to our office that they had received an invoice from the Town for maintenance reportedly carried out on the Property Owner's vacant lot in the Town (the "Property"). However, the before and after photographs accompanying the invoice were of a different lot owned by somebody else.</p> <p>The Property Owner reportedly asked an agent to follow-up with the Town to clarify the misunderstanding, and did not hear anything further. The Property Owner therefore believed the invoice to have been cancelled. However, upon contacting the Town in relation to a different matter many months later, the Property Owner was told that the invoice was still outstanding and that he was required to pay it.</p> <p>The Property Owner paid the invoice in order to avoid negative impacts to their taxes and/or credit score, and then contacted our office to allege that the Town had improperly invoiced him for work that was not carried out on his property.</p> <hr/> <p>Upon investigating, we were concerned that the Town's administration of its Property Maintenance Bylaw may have been unfair to the Property Owner.</p>



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The Town advised us that they had received a bylaw complaint about the Property not being maintained. The Town sent the Property Owner a warning letter pursuant to its Property Maintenance Bylaw stipulating that the Property was to be maintained within fourteen business days, failing which the Town could complete the work at the Owner's expense and charge them an extra 20% administration fee pursuant to section 17 of the Community Charter.

The Property Owner did not respond to the warning letter, so the Town hired a contractor (the "Contractor") to bring the Property into compliance. The Contractor was expected to provide the Town with the start and end times of the job and before and after colour pictures of the property. The Town's records showed that the Contractor reported the work as completed and provided the Town with the two pictures of the incorrect lot that were eventually sent to the Property Owner along with the Invoice.

The Town realized that the wrong lot had been serviced a few days later. At that time, the Town contacted the Contractor and reached an agreement for them to service the correct Property for the same cost. The Town did not have a satisfactory explanation as to why they proceeded in this manner.

We were concerned that this was an administrative misstep on the part of the Town that unfairly prejudiced the Property Owner, since the total fee was calculated on an hourly basis. It seemed unfair for the Town to charge them the original amount, calculated based on work done on the wrong lot, instead of simply calculating the correct cost at the correct hourly rate. If a municipality undertakes work on a person's property pursuant to section 17 of the Community Charter, it is reasonable for the person to expect a detailed explanation of how the cost was reached with specific reference to the work that was completed. In the Property Owner's case, not only were they not provided any evidence that the work was actually completed, but the cost was explicitly calculated based on work done on a different property.

We therefore thought the Property Owner's concerns were valid, and that the Town's decision to invoice you \$1506.00 based on work done on the wrong lot did not appear to be based on the provisions of the Town's Property Maintenance Bylaw or the



Community Charter, and appeared to have been arbitrary, unreasonable, and ultimately unfair in the circumstances.

We were also somewhat concerned by the email correspondence between the Property Owner and the Town. Specifically, in a number of emails a Town employee mistakenly referred the Property Owner to the "bylaw notice" mechanism described in the Property Maintenance Bylaw, and to a "bylaw dispute form" that they reportedly sent the Owner. However, the Property Owner was never sent a bylaw notice or bylaw dispute form; rather than proceeding via bylaw notice, the Town had instead proceeded via direct enforcement under section 17 of the Community Charter.

On that basis we were concerned that there may be an ongoing misunderstanding on the part of Town staff about the bylaw enforcement schemes described in the Property Maintenance Bylaw. Administrative decision-makers and staff are expected to have a comprehensive understanding of the legislation, bylaws, and/or policies they are tasked with administering.

In response to these concerns, the Town agreed to take the following actions:

Immediately paying the Property Owner, on an ex gratia basis, a one-time lump sum of \$1,373.68;

2. Immediately sending the Property Owner a letter apologizing for the administrative errors that occurred, namely the absence of before and after photos of his property and not having the property properly quoted out.

3. Providing additional training to Town bylaw staff on the differences between the two enforcement mechanisms described in the Town's Property Maintenance Bylaw No. 1813, 2015.

The sum of \$1373.68 was reached by subtracting the Property Owner's alleged typical rate of \$157.00 for clearing the Property from the total \$1531.18 that they originally paid to the Town.

Given that the Town had agreed to take steps to remedy our fairness concerns, we ended our investigation and closed the file.





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Complaints Closed from 1 October - 31 December, 2024  
Town of Creston

*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 Public Authority Consultation and Training Team: email us at [consult@bcombudsperson.ca](mailto:consult@bcombudsperson.ca) or call us at 250-508-2950.

### Sector-Specific Complaint Topics – All Local Government

Business Licensing	6	4%
Bylaw Enforcement	46	28%
Council Member Conduct (incl. Conflict of Interest)	21	13%
Fees/Charges (incl. Taxes)	16	10%
Official Community Plan/Zoning/Development	26	16%
Open Meetings	4	2%
Other	30	19%
Response to Damages Claim	6	4%
Services (incl. Garbage, Sewer, Water)	7	4%

### General Complaint Topics – All Local Government

Accessibility	4	1%
Administrative Error	11	4%
Communication	48	18%
Delay	19	7%
Disagreement with Decision or Outcome	74	27%
Discrimination	3	1%
Employment or Labour Relations	4	1%



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Other	8	3%
Process or Procedure	58	21%
Review or Appeal Process	7	3%
Treatment by Staff	37	14%