

# OmbudsPEI

Approachable | Fair | Impartial



Annual Report 2023-25



**December 2025**

The Honourable Sidney MacEwen  
Speaker of the Legislative Assembly  
197 Richmond Street, Charlottetown

Dear Mr. Speaker,

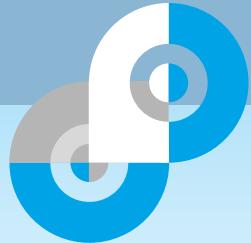
I am honoured to present our Annual Reports for both the Office of the Ombudsperson and the Office of the Public Interest Disclosure Commissioner to the Legislative Assembly.

This Report has been prepared in accordance with section 38 of the *Ombudsperson Act* and section 5 of the *Public Interest Disclosure and Whistleblower Protection Act*. It covers the period from April 1, 2023 to March 31, 2025.

Respectfully,

Respectfully,

Sandy Hermiston  
Ombudsperson and Public Interest Disclosure Commissioner



## Contents

- 1 INTRODUCTION LETTER
- 3 LAND ACKNOWLEDGEMENT
- 4 ROLE AND LEGAL AUTHORITY
- 5 MESSAGE FROM THE OMBUDSPERSON & PUBLIC  
INTEREST DISCLOSURE COMMISSIONER
- 6 FAIRNESS OVERVIEW
- 7 OMBUDSPERSON STATISTICS
- 8-9 PUBLICATIONS
- 10-16 SELECTED CASES
- 17 PUBLIC INTEREST DISCLOSURE  
(WHISTLEBLOWER PROTECTION)
- 17 ORGANIZATIONAL CHART

## Land Acknowledgement

In the spirit of Reconciliation, we acknowledge that the land upon which our organization stands is unceded Mi'kmaq territory. Epekwitk (PEI), Mi'kma'ki, is covered by the historic Treaties of Peace and Friendship. We pay our respects to the Indigenous Mi'kmaq People who have occupied this Island for over 12,000 years; past, present and future.





## Our role

OmbudsPEI promotes fairness, transparency and accountability in the Island's public sector. We also investigate reports of serious wrongdoing in the provincial government. Our work improves public services for all Islanders.

Our services are free and confidential.

As PEI's independent voice for fairness and accountability, we work to make sure the Island's public sector is treating people fairly and following the rules. We receive, respond to and help resolve complaints about fairness in government programs and services. We also provide a safe avenue for public servants to report serious wrongdoing or reprisal occurring in their workplace.

We recommend solutions that are fair and reasonable.

## What is our legal authority?

Our offices were established as independent offices of the Legislature by the *Ombudsperson Act* and the *Public Interest Disclosure and Whistleblower Protection Act* (the *Whistleblower Act*).

Under the *Ombudsperson Act* we have the authority to investigate "matters of administration" which include complaints about fairness in treatment, process and decision-making by government agencies, municipalities, Health PEI and post-secondary institutions.

The *Whistleblower Act* applies to the provincial government and its employees. It allows public servants to complain about wrongdoing or complain about reprisals.



## Ombudsperson and Public Interest Disclosure Commissioner's Message

I'm pleased to present this report which shows a tremendous amount of growth since our office was established in 2022. This report covers the period from April 1, 2023, to March 31, 2025.

It is heartening to know that Islanders are finding their way to our office, and I am pleased to report a significant increase in contacts with us. We have experienced a 130% increase in contact with our office since our first year of operations when we started with 151 contacts. In our third year of operations, we received 346 contacts. Most of those contacts were made by telephone in the first two years, but in year three, we started receiving more emails - from 38 in our second year to 55 in our third year, which is an increase of 45%

We continue to have tremendous success in resolving complaints informally. A traditional investigation is quite formal and can often be intimidating for public bodies. Instead, we employ a collaborative model, which means that we work together with the public body to resolve the complaint without the formalities involved in an investigation. A successful resolution involves teamwork. We begin by letting the public

body know our questions and concerns and we listen carefully to the explanations provided. We acknowledge that we are not subject-matter experts and that we need their help to understand their business. We learn about their concerns and identify the barriers they see to resolving the complaint. The key to our success is building trust by being transparent with everyone regarding the issues and communicating clearly. To be clear, we do not shy away from difficult conversations and we challenge public bodies to find solutions despite the barriers they present. The case summaries in this report are evidence of the success of our approach. We have resolved a wide range of complaints with many different public bodies.

In terms of complainants' expectations, we focus on seeking a fair resolution to their complaint. We recognize that some harms cannot be undone and in those cases, we seek to prevent similar harms from occurring in the future. In most cases complainants are satisfied with knowing that their complaints made a difference.

Thank you to Islanders for placing your trust in this office by bringing your concerns about the fairness of public administration to us for investigation. And thank you to the members and staff of the legislature for your ongoing support. To public bodies and public sector employees, thank you for your commitment to fairness. To the dedicated staff of this office, thank you so very much for your commitment to assisting those who need us, to upholding our key values of independence and impartiality and to holding public bodies to high standards of service excellence. The work of the office will continue with integrity and independence.

Sandy Hermiston



The Canadian Council of Parliamentary Ombudsmen produced an excellent resource called *“Fairness by Design”*. We have adopted this fairness model in our work on PEI. Here is a summary about the Canadian fairness model which can be found in that resource:



## What is Fairness?

Although we all may have an instinctive sense of what fairness is, it can be a difficult concept to define, and there are often different views of the requirements of fairness in any particular case.

OmbudsPEI focuses on three main aspects of fairness as shown in the Fairness Triangle here.



## Fair Process

Public organizations must follow fair decision-making processes when making decisions that directly impact a person, group of people or organization. This includes meeting the duty of procedural fairness owed to those impacted by a decision. The duty of procedural fairness has two key elements:

1. Right to be heard: Those directly impacted by a decision should have an opportunity to understand and meaningfully participate and be heard in the decision-making process.
2. Right to an impartial decision maker: The decision maker must have an open mind, be unbiased and not prejudge the decision they will make.

## Fair Decision

Public organizations must make fair decisions. Fair decisions follow the applicable rules, consider the individual circumstances and case, are equitable and reflect a fair exercise of discretion. Your organization should ensure it has policies and processes that support making fair decisions.

## Fair Service

Public organizations must treat people fairly. Fair service is about how people are treated when they access public programs and services. It includes ensuring your organization provides respectful, accessible and responsive service and is accountable to the public it serves.

**Year 2**
**Year 3**

**CONTACTS**
**293**

 225 by phone  
 38 by email

**ENQUIRIES**
**215**

 174 within jurisdiction  
 41 external referrals

**COMPLAINTS**
**78**
**346**

 256 by phone  
 55 by email

**266**

 208 within jurisdiction  
 58 external referrals

**80**


### Closed Complaints

**Non-jurisdictional**
**Year 2**

1

**Year 3**

0

**Informal Resolution**

18

21

**Investigation**

2

1

**Investigation Declined**

46

51

**Abandoned or withdrawn**

14

15

**Cases closed**
**81**
**88**

### Open Complaints

**Assessment in Progress**

13

5

**Ongoing Resolution**

5

6

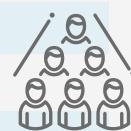
**Total**
**18**
**11**

### Top Public Bodies by Complaints Received

**Community and Correction Services**

106

126


**Health PEI**

26

36

**Department Social Development and Seniors**

17

22



# Selected Highlights:

## First Public Report

In our first public report *Committing to Care: Improving the Treatment of Opioid Use Disorder in the Provincial Correctional System*, OmbudsPEI examined how inmates at the Provincial Correctional Centre (PCC) were being treated for opioid use disorder (OUD) compared to other Islanders, inmates at other correctional facilities across the country and the current standard of medical care for treating the disorder.

Inmates who were receiving opioid replacement therapy (ORT) at the time of admission would continue ORT in jail. However, inmates who were not actively receiving ORT at the time they were admitted had to wait until a few weeks before their release to be offered it. This policy meant that inmates not already receiving ORT on admission were offered opioid withdrawal management only.

ORT is the current standard of medical care for treating OUD and opioid withdrawal management is not medically recommended, nor is it a suitable alternative to ORT. OmbudsPEI shared the information gathered from its investigation with PEI's Community and Correctional Services (CCS), together with the office's concerns that the current practices could be seen to be unfair to inmates. As a result of this process, CCS has committed to ensuring that all inmates eligible for ORT will be offered it without delay.

## Best Practices Guide for Municipalities – Closed Meetings

OmbudsPEI released a guide to help lead municipal governments through the process of holding closed meetings to ensure that the province's open meeting laws are consistently applied. This was in response to concerns raised by the public. The purpose is to promote compliance with the law and enhance transparency by helping municipal councils and committees to be more informed about the law. The guide explains the legal



framework and requirements for closed meetings. It also explains how to properly close a meeting, the reasons why a meeting can be closed and provides checklists for councils and committees to follow when closing a meeting.

## Jurisdiction Expanded to Include Post-Secondary Institutions

In the wake of concerns raised in a report commissioned by University of Prince Edward Island which reviewed the University's practices and processes with respect to harassment, discrimination and fair treatment, the Legislative Assembly amended the *Ombudsperson Act* to grant jurisdiction to the Ombudsperson over post-secondary institutions. This change in the *Ombudsperson Act* allows for an objective review of complaints about how post-secondary institutions operate. Independent and impartial oversight can play an important role in building trust and confidence in institutions.



## Second Public Report

Following a Fall 2023 referral from the Standing Committee on Health and Social Development which tasked OmbudsPEI with determining why the Mobile Mental Health Unit (MMHU) was not dispatched to an event that preceded the death of an Islander, and to review the overall communication with and by the unit in cases of mental health crisis calls. In *Joining Forces: Improving Collaboration and Communication between PEI's Mobile Mental Health Crisis Response Team and Police* we detailed the MMHU's development history, how its operating model was chosen and how that choice impacted the unit's operational capabilities.

The MMHU initially relied on police to respond to mental health wellness checks and other mental health crisis calls made to police because of the risk involved. The MMHU required police to obtain consent from the individual before the unit would attend. However, the MMHU eventually began to loosen the requirement for police to obtain consent before the unit would deploy in high-risk situations. While this has resulted in more dispatches for the unit, adopting this practice has proved challenging.

The decision to implement a standalone mental health crisis response program has resulted in the MMHU being asked to do what no other similar unit in Canada has done. The MMHU attempted to adapt a low-risk operating model to both low-risk and high-risk situations. This decision brought unprecedented challenges upon the unit. The MMHU, the Department of Health and Wellness and the province's various police services all share the belief that closer collaboration is possible.



# Selected Cases:

## Procurement

An individual contacted OmbudsPEI to complain about the process for how government contracts are awarded to private service providers on PEI. The individual disputed the reasons for why their own bids had been unsuccessful and complained of a lack of transparency and availability of policy governing the procurement process. They believed that the lack of transparency could cause, or otherwise hide, arbitrary and inappropriate decisions involving the spending of public funds on service contracts.

Through our informal assessment process, we contacted Procurement Services and the Crown agencies involved in assessing the individual's bids. We reviewed how these bids were assessed alongside competing bids and obtained a copy of the policy used to assess them. We did not identify any unfairness in how the winning bids were awarded.

We learned that information on some of the winning bids had, mistakenly, not been publicly posted as required. Procurement Services acknowledged this mistake and took steps to rectify it. Further, Procurement Services committed to inform all Crown agencies of their duty to report winning bid information, to enforce this requirement and to publicly post winning bids within 24 hours of receipt from the awarding agencies.

We also learned that while some information on how bids are assessed is included in contract advertisements, the policy manual guiding the process, which is controlled by Treasury Board, is not publicly available. We understood why some people may have concerns with transparency in the service procurement process. To address this, and to ensure that all bidders operate on an equal playing field in terms of understanding the process they are participating in, we proposed that

the policy manual be made public. Treasury Board agreed and made the manual publicly available.

We would like to thank Procurement Services for their proactive involvement in our assessment process and for committing to taking steps that we believe will build trust and confidence in the spending of public funds on PEI. We would also like to recognize the significant assistance provided by Treasury Board to both OmbudsPEI and Procurement Services throughout our assessment.

## Health PEI - Patient Registry

An individual who is waiting for a family doctor or nurse practitioner on PEI's Provincial Patient Registry contacted our office to complain that they believed the registry was being misused or ignored by practitioners.

The individual had reason to believe that medical practitioners in their community were taking on patients who had not been on the registry for as long as others in the same community. Because of this, they felt that the registry was not being administered fairly.

We contacted Health PEI and asked about how the Provincial Patient Registry worked for patients and how it was determined who would be placed with a practitioner. We learned that when practitioners decide to engage with the registry for new patients, individuals are selected chronologically based on their location and the length of time they have been on the registry.

Our office also learned that there is no requirement for practitioners on PEI to engage with the registry when taking on new patients. Individuals on the registry will only be assigned if a practitioner in their specified area asks for patients from Health PEI's registry.

Like Health PEI, OmbudsPEI appreciates that practitioners have the right to decide who they will take on as new patients. To ensure that Islanders are aware of how practitioners interact with the patient registry, we suggested a change to the information provided on Health PEI's registry website. This change offers a better explanation about how the list is used by Island practitioners. Health PEI accepted the suggested changes and updated the information on their website promptly, which satisfied our concerns about public transparency of the Patient Registry program.

## Legal Aid

OmbudsPEI received two complaints alleging that Legal Aid unfairly denied or cancelled their applications for representation. One complainant was initially accepted, however their first meeting with their Legal Aid lawyer ended abruptly after only a few minutes with the Legal Aid lawyer deciding they wouldn't represent the complainant after all. No reason for this was provided and the complainant was required to represent themselves in court later that day. When the complainant contacted Legal Aid again to ask for a reconsideration of its decision, they were told that they were no longer financially eligible for assistance.

OmbudsPEI reached out to Legal Aid for an explanation of its decisions. We were told that Legal Aid believed the complainant was receiving income which they did not disclose on their application. After OmbudsPEI facilitated a means for Legal Aid to verify this suspicion, it changed its decision, though it required the complainant to find their own lawyer for which Legal Aid would pay. When the complainant attempted to do this, they were informed by the law offices they contacted that it was unusual for Legal Aid to require an applicant to find a lawyer on their own without at least the assistance of Legal Aid. The complainant believed this caused every lawyer they contacted to refuse them representation.

Not long after we asked for an explanation for why Legal Aid was requiring the complainant to find a

lawyer on their own, Legal Aid decided to represent them once again. No explanation was provided for this change in decision.

A separate complaint was made by an inmate at the Provincial Correctional Centre with an upcoming trial date. They explained that their initial application for Legal Aid was denied outright without explanation. When we contacted Legal Aid, they explained that the inmate was not financially eligible and that their case did not have merit. Through consultation with our office, Legal Aid committed to providing its explanation in writing. Before this occurred, however, Legal Aid decided to accept the complainant.

Not long thereafter, we were informed that Legal Aid had stopped representing the complainant. Again, the complainant told us that they were not provided an explanation for this decision. When we inquired with Legal Aid about this, we learned that there had been a change in management at Legal Aid and that the complainant's application was being re-assessed. Legal Aid then re-accepted the complainant for service and represented them at trial.

Legal Aid recognized problems with how both complainants were treated. Specifically, it acknowledged that the reasons for variously denying and accepting both complainants were problematic and that no reasonable explanations had been provided to either. Legal Aid committed to preventing this from occurring in the future by developing a process for having all denials reviewed by someone other than the lawyer denying the applicant to ensure that reasons for any denial align with policy. This process also requires that adequate explanations are provided to people denied service.

Additionally, Legal Aid recognized, on its own initiative, that its eligibility thresholds and guidelines required updating. A comprehensive review was undertaken in 2022-2023 which led to the development of new policies and procedures which took effect April 1, 2024. Together with the new process for reviewing denials, OmbudsPEI believes the changes instituted at Legal Aid will improve fairness in the delivery of its services.



# Selected Cases:



## Provincial Correctional Centre Complaints

We received a number of complaints from inmates at the Provincial Correctional Centre (PCC) about who they were permitted to contact by telephone. We learned that PCC required inmates to submit telephone numbers for approval in advance and it could take more than a week for numbers to be added to the inmate's "call list." PCC limited the number of approved contacts on an inmate's list and typically restricted approval to close family members only. They would consider adding additional family members and close friends on a case-by-case basis. The only numbers that inmates did not need to request to have added were lawyers and offices like OmbudsPEI. PCC explained that the policy had been established to protect victims of crime and to prevent breaches of court-ordered 'no contact' conditions that had been imposed on inmates. PCC explained that this was implemented as a result of numerous cases where inmates had breached court orders and/or contacted victims or witnesses to threaten or coerce them. All numbers were assessed for potential contact concerns through consultation with Probation Services and Victim Services.

The inmates complained that limiting telephone contact made it difficult to arrange pre-trial release plans. It also prevented inmates from maintaining personal and professional relationships, which would help them successfully reintegrate into society and establish support systems prior to their release. The policy was seen by inmates as overly punitive. OmbudsPEI questioned whether it imposed punishment beyond what was required by law.

During the resolution process, we learned that PEI was the only province in Canada to limit inmate telephone contact in this way. Every other province permitted inmates to call anyone they wished – except for numbers blocked by the centre for safety and security reasons or when there was a legal requirement to block contact. While the federal correctional system relies on approved

contact lists like PEI, contacts are not limited to close family and the number of contacts permitted per inmate is considerably higher.

While OmbudsPEI was able to resolve some telephone-related complaints with PCC on a case by case basis, we remained concerned that PEI was taking an overly restrictive approach. As a result of lengthy consultations with PCC and PEI's Community and Correctional Services, inmates are now permitted to call any number. The only exceptions are if the inmate has a court-ordered condition to refrain from contacting a victim, co-accused, or other party identified by the court, if PCC is required to block a telephone number at the request of any person not wanting to have contact with the inmate, or there are reasonable grounds for suspecting that contact would jeopardize the safety of any person or threaten the security of the PCC. Otherwise, all recipients of calls have the option to accept, decline or block calls coming from the inmate phone system at the correctional centre.

In another case, a person incarcerated at PCC who was involved in court proceedings in another province contacted us to complain that they believed it was unfair that they were incurring phone charges to call out-of-province lawyers.

When we contacted PCC about the matter, they confirmed that inmates can call any local or long-distance lawyer free of charge. While most local lawyers' numbers were already programmed into PCC's phone system so that these calls would be free, this was not the case for out-of-province lawyers. If an inmate wishes to call a lawyer who is not already on the pre-approved list, the inmate must request the number be added.

Acknowledging that the person who contacted us was understandably unaware of this requirement, PCC credited their phone account for the charges they had incurred and informed them of the new process. Additionally, PCC put up signs throughout the Centre advising inmates who wish to call lawyers other than PEI Legal Aid to notify staff to

ensure these numbers are added to their phone accounts to avoid incurring costs.

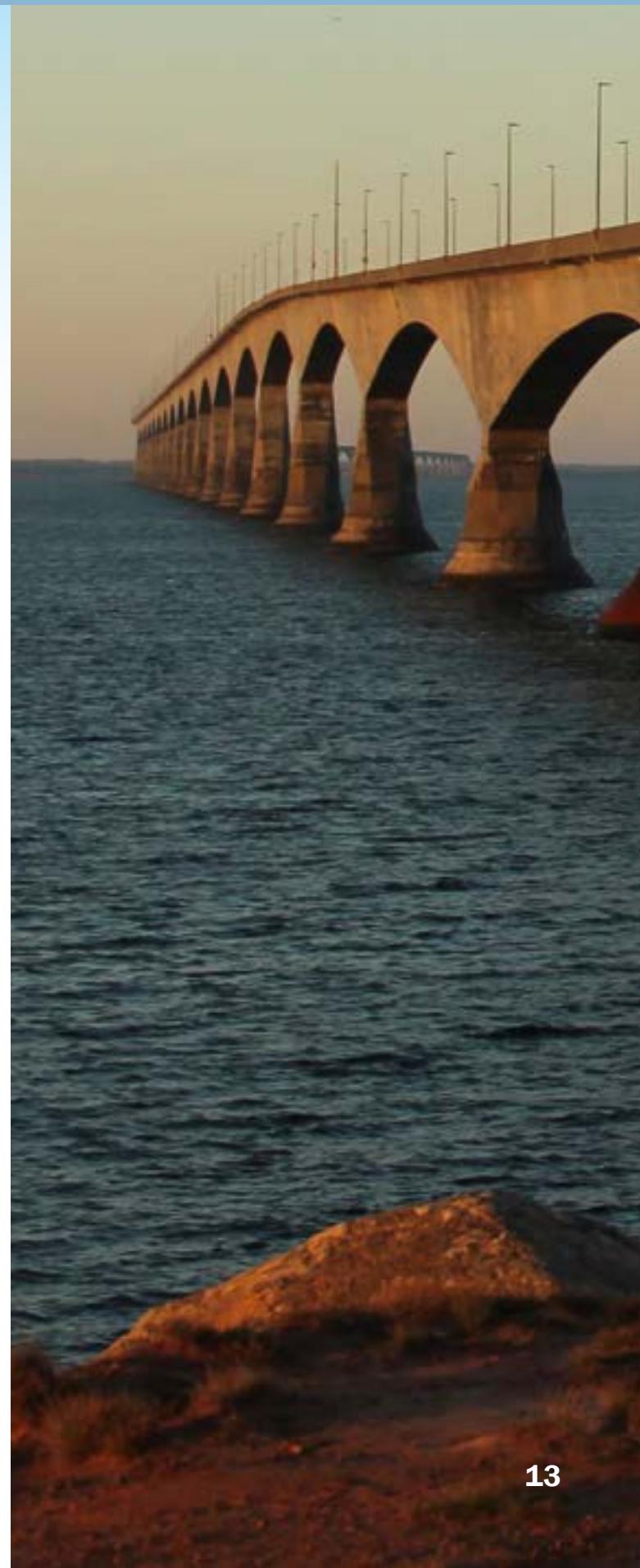
The actions taken by PCC satisfied our concerns about fairness and, as a result, we considered the matters resolved and closed our file.

In a third case, a person incarcerated at PCC contacted us to complain that they were not given at least two letters from their ex-spouse's lawyer related to ongoing court proceedings. They worried that these letters may have been lost or misplaced and that a delay in responding to these letters may impact their court proceedings.

When we contacted PCC about the matter, they located the two unopened letters and confirmed that they been placed in their personal belongings to be given to them upon release, rather than delivered to them in-person. Acknowledging that the letters should have been given to the individual, PCC delivered the letters and confirmed that they were now in receipt of all letters that had been received at PCC.

We learned that before our involvement, PCC's inmate mail was sorted twice weekly by rotating employees, which may have led to inconsistencies or delays in how mail was being sorted and delivered to inmates. To address this, PCC changed its inmate mail system so that incoming and outgoing inmate mail is now sorted every weekday by the same dedicated employee to ensure accuracy and consistency. As this satisfied our concerns about fairness, we considered the matter resolved.

We thank the PCC for their cooperation on these matters and we applaud the steps they have taken to improve the rights of inmates, their participation within the justice system and their reintegration into society.





# Selected Cases:



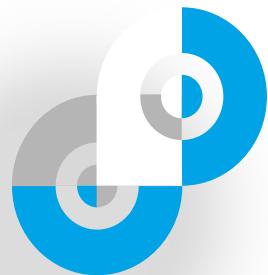
## Post Secondary Issues - UPEI

**Case #1** A person complained that UPEI unfairly denied them admission without explanation. The letter they received did not explain the reasons for the denial or the process for finding out why they were denied. We reached out to UPEI and learned that they had provided a verbal explanation after receiving a phone call from the person.

To ensure that others who receive denial letters know that they can seek explanations from UPEI, we proposed that all denial letters be amended to notify applicants that they can contact UPEI with questions about their denial. UPEI agreed to this recommendation.

**Case #2** A UPEI student complained that they were unfairly denied admission to the Co-op Program. Despite the student's high academic performance and demonstrated skills, UPEI offered positions to applicants with lesser qualifications who, the university concluded, were able to benefit more from the program. The student believed this was unfair.

While UPEI had the discretion to offer the placements that it did, publicly available information about the program suggested that entry was merit-based. To provide clarity for future applicants, UPEI updated its website to clarify that factors other than merit can determine acceptance into the Co-op Program.



## Holland College

A Holland College student complained that they were unfairly denied admission to another program because Holland College failed to consider their current grades when scoring their application. The complainant believed that because their application form stated they were a Holland College student, their grades would be automatically considered. This is not what occurred. Holland College requires applicants to upload all documentation they want to be considered, including relevant Holland College records.

We agreed with the student that the wording of the application form was confusing. To prevent similar confusion, Holland College agreed to amend application forms to state that it is the applicant's responsibility to provide all applicable Holland College records with their application.



## Human Rights Commission

A person complained about an almost four-year delay and lack of communication by the Human Rights Commission (HRC) regarding their discrimination claim.

The HRC told us the delay was caused by staffing challenges and a claims backlog. They also explained that they recently completed a detailed evaluation of the person's claim, which they hoped would lead to a resolution.

The discrimination claim was settled shortly after we reached out. In addition to apologizing to the complainant for the delay, the HRC explained that they were working to update their processes to address their backlog and prevent similar delays from reoccurring.



## Public Guardian and Trustee

An individual contacted us to complain that they believed the Public Guardian Trustee (PGT) mishandled their deceased relative's affairs for which they were now the estate administrator. Despite making various efforts to raise their concerns with the PGT, the individual alleged that their requests and questions were not satisfactorily answered by the PGT in a timely manner.

We contacted the PGT through our informal resolution process to ask about the individual's situation. Shortly thereafter the PGT contacted the individual to arrange a further in-person meeting, which occurred one month later. At this meeting the PGT answered the individual's questions. The PGT also provided the complainant with further requested documentation shortly thereafter. This led to further dialogue and meetings between the complainant and the PGT and, ultimately, a resolution of all issues, which permitted the complainant to proceed with the administration of their relative's estate.

The actions taken by the PGT allowed us to close our file as resolved.



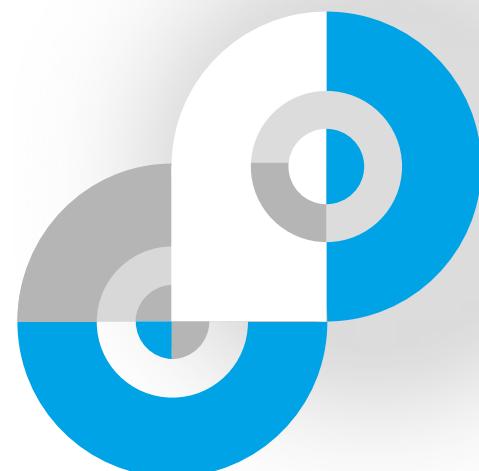
## Seniors Housing Program

An individual who is client of the Seniors Housing Program (the "Program") with the PEI Department of Housing, Land and Communities (the "Department") contacted us to complain that the Program staff treated them unfairly by requesting information related to their Old Age Security (OAS) and Canada Pension Plan (CPP) benefits immediately after they turned 65 years old with the intention of reassessing their income and rent. The individual believed that the Program staff did not have the authority to request, access or use information related to their CPP or OAS as they believed their income and rent were only permitted to be recalculated once per year based on their previous year's Canada Revenue Agency Notice of Assessment. The individual also alleged

that they did not provide the Program staff their date of birth, and even if they had, the Program staff misused this information to monitor when they turned 65 years old.

Through our informal resolution process, the Department provided information to satisfy us that they had the authority to request the information. We also confirmed that the Department was made aware of the individual's date of birth when they submitted their application for rental assistance. Given the Program involves government-subsidized rent based upon an applicant's status as a senior, it was reasonable for the Department to have sought this information from the individual and use it in the way that it did.

For these reasons, we determined no further action was required and closed our file.





## Workers Compensation Board

A worker complained about unreasonable delay by the Workers Compensation Board (WCB) in determining their entitlement to benefits. The worker had been off work for approximately three months without any source of income.

WCB explained that the delay occurred due to a misunderstanding between WCB staff and a healthcare provider about whether all requested medical information had been provided. After further communication with the healthcare provider, WCB determined that all necessary information had been obtained and WCB approved the worker's claim.

WCB indicated that while this situation is not common, they have amended their process for requesting and receiving medical information to avoid any unnecessary delays in claim decisions in the future.



## Island Regulatory and Appeals Commission

A person who lived in the area of a rezoned property was surprised to learn that the Island Regulatory and Appeals Commission (IRAC) ordered the rezoning following an appeal to it by the developer. Confused and frustrated, the resident reached out to IRAC with questions.

In an appeal hearing, IRAC substituted its decision for that of the municipal council. In responses to questions about whether the public was permitted to participate in the appeal hearing, IRAC explained that anyone could have requested to take part. IRAC had posted notice of the appeal and live-streamed the hearing on its website. Believing it was unfair to expect impacted residents to check IRAC's website to learn about an important hearing process, the resident contacted us.

A central purpose of PEI's *Planning Act*, is "to provide the opportunity for public participation in the planning process." The *Planning Act* requires that municipal councils publish a notice in a

newspaper alerting residents of their ability to participate when the municipality's official plan or bylaw is being reviewed. In practice, municipalities often adopt bylaws requiring public notice through residential mailing and posting signage on subject properties. It was unclear to us whether similar obligations were binding on IRAC when hearing *Planning Act* appeals through what the courts term a hearing "de novo," or new hearing. We therefore reached out to IRAC to help us better understand its process.

In response to our questions, IRAC pointed out that the *Planning Act* does not require IRAC to post public notice, but that the Commission does post notice of appeal hearings on its website and in the newspaper. IRAC explained that it is a longstanding practice to post notices of *Planning Act* appeal hearings to a newspaper but that an apparent oversight occurred in this particular case.

Recognizing the fairness concerns raised through the complaint, IRAC amended its Rules of Practice & Procedure to include its practice of posting notice of *Planning Act* appeal hearings in a newspaper, thereby codifying the practice which was overlooked in this instance. While this did not impact the rezoning of the subject property, it will, we believe, ensure that IRAC continues to post public notices of *Planning Act* appeal hearings in a meaningful way. Going forward, IRAC will also use its social media to ensure that matters of public interest, such as public notice hearings, reach a broader audience.

While the complainant was not happy with the rezoning decision itself, they were appreciative of the fact that IRAC acknowledged their concerns and took steps to prevent others from facing the same surprise, confusion and frustration that they felt.



## Public Interest Disclosure

The *Public Interest Disclosure and Whistleblower Protection Act* creates a safe avenue for public servants to report wrongdoing or make complaints of reprisal for having made a disclosure. Employees can choose whether to make their reports with the public body or to come directly to the Public Interest Disclosure Commissioner (who is also the Ombudsperson).

There were no disclosures or investigations reported to us by any Deputy Ministers or CEOs of public entities under section 11 or 12 of the *Public Interest Disclosure and Whistleblower Protection Act*.

We declined to investigate a whistleblower complaint because it was made prematurely. We recommended that the complainant wait until a final decision had been reached and if they were still concerned about the issue, they should reach out to us. Once the final decision was made, the complainant was satisfied that their concerns were addressed, so there was no need to advance a complaint at that time.

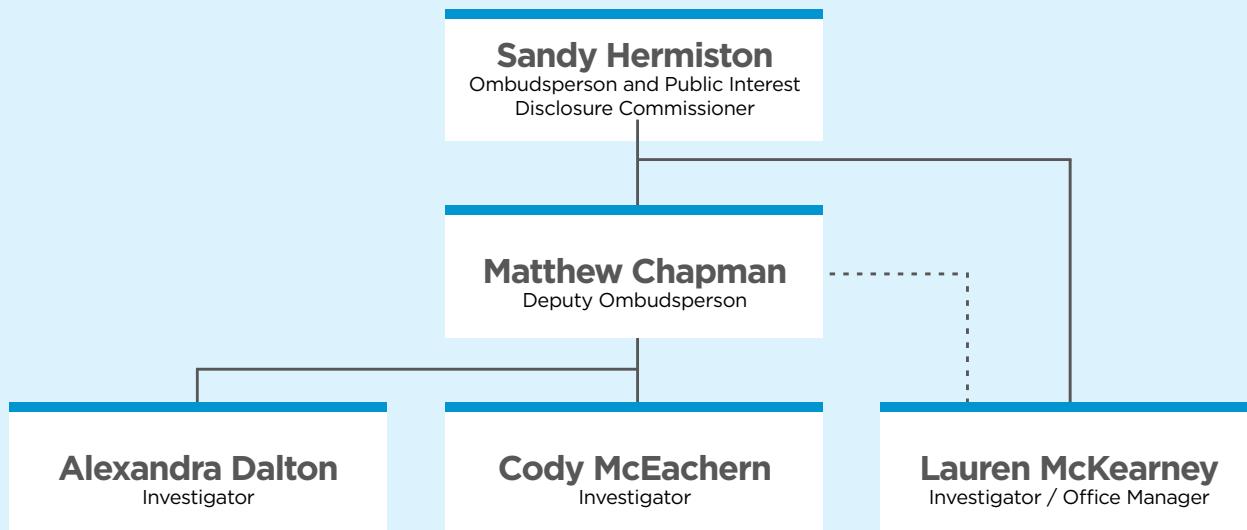
Among the inquiries we received, some included allegations with no supporting evidence. Lacking any evidence, we were unable to conclude that they warranted classification as disclosures of wrongdoing. Other inquiries involved employment disputes in which a decision not to hire, or to terminate, an individual was characterized as wrongdoing. It is common for Public Interest Disclosure offices across Canada to receive inquiries from individuals who incorrectly consider employment disputes to be examples of wrongdoing. PEI is no exception.

## Statistics

	Year 2	Year 3
ENQUIRIES	5	11
DISCLOSURES	1	0
DECLINED TO INVESTIGATE	1	0



## OmbudsPEI Organizational Chart



# OmbudsPEI



## ANNUAL REPORT 2023-25



Approachable | Fair | Impartial

Approachable | Équitable | Impartial



Suite 301, 149 Kent Street | Charlottetown | PE C1A 1N5  
902.288.1105 | [ombudspei.ca](http://ombudspei.ca)