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December 18th, 2009

OPEN LETTER TO MR. ANDRE MARIN, OMBUDSMAN OF ONTARIO

Dear Mr. Marin,

Re: Your File No. 189373 / Social Benefits Tribunal File number 0605-04207R – re. Social Benefits ‘Overpayment’/ Robert T. Chisholm.

I am asking you to take the necessary action to have this Social Benefits ‘Overpayment’ assessment against me withdrawn

I am writing to you directly because of the letter to me dated November 4th, 2009 from your Mr. Tom Barber – Assistant Manager, Early Resolutions.

This letter from Mr. Barber is the latest event in a situation that has been dragging on for 15 years without any satisfactory resolution.

In my view, Mr. Tom Barber and Ms. Jenny Ryu, from your office, have made a mis-informed decision to close my file. They are also showing no sign of making any recommendations, to the Social Benefits Tribunal or any other Ontario government department, concerning appropriate changes to the regulations for the purpose of addressing the types of anomaly that I am about to bring to your personal attention.

The situation had its origin in mal-administration at the federal Human Resources Development Department (H.R.D.C.). That federal government department is now known as H.R.S.D.C. on account of certain changes since December 1994, when the affair that I’m about to describe started.

A chain of events since December 1994, caused by sloppy work compounded by cover-ups and obfuscation on the part of everybody involved, led to my making a complaint to your office about the Ontario government’s Social Benefits Tribunal.

Briefly, to re-cap from the beginning: -

1. In February 1995 I was refused federal U.I. (now federal E.I. – Employment Insurance) benefits, based on “lack of insurable weeks” of employment, by a federal Board of Referees presided over by Roger R. Presseault, who has since left the said Board of Referees and is now a Member of the Ontario government’s Social Benefits Tribunal. This refusal to me of federal U.I benefits happened even though I was forced in December 1994 to leave an employer after only 17 weeks of employment. The employer concerned, Dean’s Professional Painting, was going bankrupt and was not paying me.

2. At the time, along with my wife, I owned a small rental property in Montreal, which was actually losing money even though Ontario General Welfare Act etc. rules for computing income and expenses pretended otherwise – and still do pretend otherwise, notwithstanding the obvious financial realities. Sale of the property, for all practical purposes, was also impossible for us at the time.
3. I was forced to apply for Social Assistance in 1995 in order not to be made homeless because of the situation described in paras. 1 and 2 above.
4. The Social Benefits Tribunal “case” against me is partly based on false statements by them to the effect that if we had been able to sell the Montreal property, then we would have realized about \$150,000 free cash to defray social assistance expenses in respect of myself - when, in fact, that “free cash” would have all disappeared in order to pay off the mortgage. As things turned out, in 2000 we were forced to give the property in payment to our lending institution (the Royal Bank) because we could not keep it going, and the property actually realized only \$135,000 when it was sold by the bank, which was actually insufficient to cover the balance of the mortgage principal. In addition to this we still had to pay about \$5,000 to the City of Montreal in order to pay off property tax arrears that we had incurred. The Social Benefits Tribunal “case” against me also makes the additional false assumption that the property could have been sold as soon as my “ineligibility” for Unemployment Insurance benefits was “established” in February 1995 by current Social Benefits Tribunal Member Roger R. Presseault in his capacity as President of the federal Board of Referees for Ottawa in 1995.

The above and other relevant information has all been fully documented previously, both before my Social Benefits Tribunal hearing on January 17th 2007 and since then.

Notwithstanding this, the Social Benefits Tribunal persists with pursuing me on account of this so-called ‘overpayment’

They also suggested, in a letter to me dated November 10, 2008, that I should file a fresh appeal with the Tribunal because – quote - “this file, however, will remain closed” So far as I am concerned this was just a cheap trick that they were attempting to play in order to generate more work for their own taxpayer-funded, corrupt, arrogant and incompetent bureaucracy, all based on trying to exploit the letter of the law in order to ignore the facts of the situation, refuse to apply reason and logic and in order to avoid any accountability to anybody but themselves..

The Social Benefits Tribunal and certain of its Members, by ignoring key facts and the financial realities, and refusing to apply reason and logic in my case, has been acting in a corrupt, lazy, sloppy, arrogant and un-professional manner. They have been trying to pretend that the facts don’t exist because the facts happen to be inconvenient. They have clearly been behaving as if all that matters is their own bureaucratic / judicial process and their own administrative convenience.

A letter to me dated September 24th 2009 from your Early Resolution Officer Jenny Ryu, followed by the letter to me from Mr. Tom Barber referred to above, really do seem to me to be completely out of place. So far as I am concerned, these two letters constitute clear evidence of attempts by certain Social Benefits Tribunal members to protect their own positions and substantial taxpayer-funded salaries at my expense. They were clearly trying to do this by presenting emotional and politically motivated arguments to Ms. Ryu - for the purpose of nefarious manipulation at my expense, in order to deflect the attention of the Ombudsman’s office away from the facts of what happened.

They complain, for instance, about my attack on Social Benefits Tribunal Member Ms. Roslynn Mains. So far as I am concerned, my attack on Ms. Mains was fully justified and I make no apology for it whatsoever. If Ms. Mains considered that she was put in an impossible position by my action, then the onus was on her to relay her

complaint to her superiors and have them respond to me direct and in an appropriate manner. As things are, I subsequently had a letter dated November 10th from Ms. Mary Lee – Vice Chair of the Social Benefits Tribunal – supporting Ms. Roslynn Mains’ position. I have since publicly also denounced Ms. Lee through my web site and other means for supporting this continuing and obstinate refusal by the Tribunal to recognize the facts and apply reason and logic. This type of conduct is totally un-professional, no matter what the law might say or how you might apply the law in practice.

I also note that neither Mr. Barber’s letter to me referred to above, nor Ms. Ryu’s letter, make any mention of Ms. Mary Lee – Vice Chair of the Social Benefits Tribunal. So far as I am concerned, this is another indication that the Social Benefits Tribunal’s attitude in my case is totally without merit.

On account of the nefarious manipulation referred to above, I also do not believe that your office has fulfilled its mandate as described on your web site at:-

<http://www.ombudsman.on.ca/en/what-we-do/administrative-tribunals/fact-sheet.aspx#Authority>

For instance, in my case the following have not yet been completed – quote 1:-

- The Ombudsman can review the processes of administrative tribunals and make recommendations where appropriate to ensure that individuals are treated fairly.

and – quote 2:-

- Where the Ombudsman finds that an individual was not treated fairly, he may make recommendations to the tribunal to address the problem. The Ombudsman may also make recommendations to address any underlying problems related to Ontario government legislation, policies or programs, which the tribunal is required to apply.

Therefore, I reiterate my request to you – at the beginning of this letter - to take the necessary action to have this Social Benefits “Overpayment” assessment against me withdrawn.

Sincerely,

(SIGNED)

Robert T. Chisholm

Web site: www.exposethismuck.com

Copies for information:-

Mr. Ryan Kelahear – Director, Legislative affairs and Community Relations - Office of the Mayor, City of Ottawa - ryan.kelahear@ottawa.ca

Ms. Carole Sherman, City of Ottawa Overpayment Unit - OverpaymentRecovery@ottawa.ca

Mr. Rick Chiarelli – Councillor, City of Ottawa - Rick.Chiarelli@ottawa.ca

The Hon. Jim Watson – M.P.P., Ottawa West-Nepean - jwatson.mpp.co@liberal.ola.org

All other Ontario M.P.P.’s

Quote: “We cannot afford to waste lives or be lazy and sloppy.”

- John Ralston Saul, “A Fair Country: Telling Truths about Canada”, 2008 - page 310, under “AN INTENTIONAL CIVILIZATION / A Circle of Fairness”