



Yukon
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NEWS RELEASE
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Yukon Ombudsman finds unfairness in Yukon government lot enlargement policy

New report makes recommendations for improvements to the policy

WHITEHORSE – The Yukon Ombudsman, Jason Pedlar, has found unfairness in the Department of Energy Mines and Resources' (EMR) lot enlargement policy after investigating a complaint from a Yukoner. Pedlar issued a report today that outlines the investigation and the Ombudsman's recommendations to EMR.

In May 2018, an individual made an application to the Land Management Branch at EMR to enlarge their lot in Watson Lake. The applicant went through the lot enlargement process, providing various types of information at different stages of the process. After a year-long process, EMR denied the application in May 2019, due to a "lack of demonstrated need for land as required by the lot enlargement policy". The department found, among other things, that the unused portion of the applicant's existing lot was large enough to accommodate their needs. The applicant appealed the decision through the department's appeal process but was unsuccessful.

The individual then brought the matter to the Office of the Ombudsman in August 2019, saying that EMR, an authority under the *Ombudsman Act*, had treated them unfairly by denying their application. The office first attempted to resolve the matter through its informal resolution process, which is the initial approach taken for all complaints. When this proved unsuccessful, it launched a formal investigation.

The Ombudsman investigation found that EMR's Residential and Recreational Lot Enlargement Policy, which outlines the lot enlargement process, does not lend itself to fairness.

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“The policy does not contain sufficient detail or mechanisms to ensure a fair, consistent and transparent process,” says Pedlar. “For example, it is not clear what criteria would constitute an acceptable need for additional land and the authority does not have an objective method for evaluating the application.”

The investigation report also raises concerns over the fairness of the appeal process within EMR, citing a lack of objective standards by which to evaluate the application and the decision.

The Ombudsman recommended that EMR revise its lot enlargement policy in plain language and make similar revisions to any related policies. These changes should be consistent with the fairness standards set out in *Fairness by Design: An Administrative Fairness Assessment Guide*, which is used by Ombuds offices across Canada. Specifically, the Ombudsman is recommending that the policy define such terms as “demonstrated need” and include both criteria and a weighted scoring system. The report also recommends that EMR reconsider its appeal process in this regard. The authority is aware of the recommendations and has accepted all of them.

The full report can be accessed [here](#).

The Yukon Ombudsman looks into complaints from citizens who feel they have been treated unfairly in the delivery of services by the Yukon government and other public authorities. These complaints may be about such things as delays in receiving a government decision, not being given the opportunity to provide input to a government decision, barriers to accessing a service and other issues. Public authorities subject to the jurisdiction of the Ombudsman include Yukon government departments, schools, Yukon University, hospitals, public corporations and more. Yukoners are encouraged to become familiar with the role of the Yukon Ombudsman and to make use of the office’s services as needed. Staff are available to answer any questions that Yukoners may have about their work.

The Ombudsman is an independent officer of the Yukon Legislative Assembly. For more information, please go to www.yukonombudsman.ca.

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