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City parks staff rebuked for banning abusive man

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City ombudsman Fiona Crean found flaws in how ban was processed.

STEVE RUSSELL/TORONTO STAR FILE PHOTO

A man who allegedly made threatening, obscenity-laced phone calls to city staff after losing his free gym membership was "unreasonably" banned for life from the city's 1,473 parks and hundreds of recreation facilities, Toronto's new ombudsman has found.

While Fiona Crean agreed it might have been "an appropriate level of response," Parks, Forestry and Recreation staff failed to conduct a fair process.

"I do not minimize the effect of this behaviour on staff, but imposing an indefinite ban for what were, at worst, insulting and unacceptable comments, was disproportionate and unjust," she wrote in her report, "Banned Indefinitely: Safety or Punishment?"

"The alleged incidents were not properly documented. Mr. M was not provided with an opportunity to respond before a significant ban was imposed and there was no indication that any alternative measures were considered. In fact, no rationale was provided for the decision."

The report contains recommendations aimed at improving the way staff deal with troublesome citizens.

Brenda Patterson, general manager of parks staff, was "very responsive" and is moving to implement the recommendations, Crean said in an interview Tuesday. She also called on parks and recreation staff to track how many bans and trespass notices are issued each year.

The dispute involving Mr. M began in 2003 when he was granted a free permit to use the gym at a North York community centre. In late 2005, he was told the policy had changed and he would not receive a free winter permit.

He then left voice messages for parks staff construed as "abusive and threatening," Crean wrote.

In December 2005, a supervisor informed Mr. M he was banned "until further notice" from all city parks and recreation facilities.

"An altercation ensued" when a staff member attempted to deliver the letter, Crean wrote.

A year later Mr. M applied to have the ban lifted. He was turned down in March 2007.

He asked again in late 2008 and was told he could attend a meeting with a recreation director.

"The complainant responded by saying that he wanted staff to apologize to him," the report says.

Told the ban would continue, Mr. M went to the ombudsman's office.

Parks staff told ombudsman investigators Mr. M had engaged in "inappropriate behaviour," alleging he made "nasty" and "very rude" comments and on one occasion threatened an acting director with harm. Investigators listened to some voice-mail messages.

In two, Mr. M used profanity, in five he insulted staff, and in one he threatened staff members, saying: "And you tell (the supervisor) if he wants to show his face, or (another employee) I'll deal with them f---ing personally."

He also allegedly mocked the accent of a staff member.

The ban remains in effect, but Crean recommended the city appoint an outside mediator to conduct a review.