
APPENDIX

CBSC Decision 06/07-1301 CFTO-TV (CTV Toronto) re a CTV News at Six report (Driveway)

The Complaint

The CBSC received the following complaint dated July 4, 2007:

Dear Council Members,

This is to submit a formal complaint regarding the violation of both Section Four of the Radio Television News Directors Association of Canada *Code of Ethics*, and Clause Six of the Canadian Association of Broadcasters *Code of Ethics* by CTV's Toronto News Department. This occurred in a segment which aired on April 27th during the 6:00 pm newscast. I filed a complaint directly with CTV regarding this on April 30th, but CTV has not taken any concrete action to address the matter.

Here is the basis for this complaint.

A) Section Four of the *RTNDA Code of Ethics* states

"Broadcast journalists will respect the dignity, privacy and well-being of everyone with whom they deal, and will make every effort to ensure that news gathering and reporting does not unreasonably infringe privacy except when necessary in the public interest."

On April 27th in its 6:00 pm news broadcast, CTV ran a segment regarding my neighbour, Ms. Alexander, and her front yard parking space. During the segment the following information was aired:

- My name
- My full address (the street name was provided in a caption and the street address in a close-up of the front door of my house)
- A visual of my house
- A demonstration by the CTV reporter that no one is home at that house during the day

None of this personal information was essential to the story. The points made in the segment could easily have been made without including the information. I submit that the inclusion of this information in the broadcast constituted an unreasonable and unnecessary violation of my privacy and thus violated Section Four of the *RTNDA Code of Ethics*.

In addition, after naming me, the reporter disclosed details about an election campaign contribution that I had made. This information was not relevant to the story (see details below) and so also constituted a violation of Section Four.

B) Clause Six of the *CAB Code of Ethics* calls for "full, fair and proper presentation of news".

The segment broadcast by CTV during the 6:00PM news on April 27th failed in this regard as:

1. The CTV coverage characterized the situation as a dispute between neighbours but CTV spoke only to Ms. Alexander and presented only the information that was provided to CTV by Ms. Alexander.
2. The coverage contained factual errors and omissions. As a result the viewer did not have sufficient information to obtain a proper perspective on the story.
3. The CTV reporter named me and implied that there was a connection between my election campaign contribution and the local Councillor's decision to support the revocation of my neighbour's parking space. My contribution was made well after City Council made the decision to revoke the space, so no connection existed.

Complaint Details:

1. The CTV announcer's lead-in to the April 27th segment described the situation as a fight between neighbours, however little or no attempt was made by CTV to investigate and present both sides of the issue.

The investigative approach that the CTV reporter took – knocking on the door of my home in the middle of a work day (I was at work) and calling the local Councillor's office the same day that the piece was to air (he was away) – was not a level of investigative effort adequate to obtain the information necessary for an accurate, fair and balanced report.

I am listed in the phone book and could have been reached easily. In contrast to the reporter's attempt to contact me, I understand that his interview with Ms. Alexander was scheduled in advance.

Including me, the residents of five of the houses on the street made submissions to Community Council asking that the space be removed. These neighbours tell me that CTV made no effort to contact them prior to the piece being aired.

CTV, in describing the situation as a dispute, but by failing to investigate and present both sides of the issue, did not provide a full, fair and proper presentation of news.

2. The most important and glaring omission in the April 27th segment was the fact that Ms. Alexander obtained the City's permission to install the parking pad by falsely claiming that a disabled person was a permanent resident at that address. The Municipal Code requires the removal of a space obtained based on false, misleading, or incorrect information.

Ms. Alexander has also signed a legally-binding contract with the City agreeing to relinquish the space. She has not honoured that contract.

This information was crucial to a full understanding of the story, and to an understanding of why the residents of five of the houses on the street asked the City to revoke Ms. Alexander's permit and remove the space.

This information was part of the public record and could easily have been obtained by CTV, either from public records, or by simply talking to the neighbours. By failing to obtain it and include it, CTV did not provide a full, fair and proper presentation of news.

3. In the April 27th segment the CTV reporter states on camera "The local councillor here is Michael Walker, and he supports the neighbours' complaints." He then goes on to say "I also found this financial statement which shows that the neighbour to the south, [R. B.],

donated \$300 to Michael Walker's campaign..." The reporter is clearly inferring that there is a connection between these two facts.

By doing this research himself and presenting it on camera, the reporter assumed on behalf of CTV full responsibility for ensuring that the statement he made was both accurate and relevant to the story. It was not relevant. The donation was made more than a month **after** City Council voted to remove the parking space. The reporter's failure to discover this, and his resulting unsupported inference of a connection that clearly did not exist was not a full, fair and proper presentation of news and, since the information was not relevant to the story, airing it was also a violation of my privacy.

I filed a formal complaint with CTV on April 30th. CTV indicated that they would do a follow-up story (see attached e-mails) to address the complaint. On May 16th I spent an hour in person with their reporter to brief him. I provided him with written and video proof of points 1, 2 and 3.

I believe that I have given CTV both sufficient information and ample time to prepare and broadcast a follow-up story to address my complaint and correct the record. However, after more than two months, CTV has not done this.

A DVD of the segment is enclosed for your convenience, but regrettably it lacks the lead-in in which the announcer describes the situation as a fight between neighbours. I did ask the News Director of CTV (see my e-mail of May 24th) to ensure that CTV retained a complete copy of the segment in the event that it was needed for a CBSC review so I am sure that CTV can make this available to you.

Thank you for your time in considering this, and I look forward to the results of your review of the matter.

The following e-mails were included with the letter:

I just wanted to check with you and make sure that you are keeping a copy of the segment that aired on April 27th at 6:00 pm regarding my neighbour's driveway: my copy lacks the announcer's lead-in.

I am pleased that CTV is taking the necessary time to investigate the facts that I provided to Mr. Brown regarding my neighbour's improperly obtained "disabled" parking pad. I have every confidence that the follow up report will be thorough and that pursuing my complaint further with the CBSC will not be necessary.

However it is coming up on 30 days since the program aired and I know that most stations do not retain copies of broadcast material for more than 30 days. I wanted to ensure that you are retaining a copy in the unlikely event that we do need to proceed to the CBSC complaint process.

Once again, thank you for all of your help on this. If we do not speak in the interim, have a good weekend.

Mr. [B.]...

Can I call you tomorrow... I was hoping Desmond could reach the other neighbour we had

discussed in hopes of getting a follow up story to air.

Mr. [B.],

I'm in a meeting right now. However, I understand Desmond has talked to the author of the original letter, one of your neighbours, and is setting up an on-camera interview with him. I would hope we can air the piece next week.

I don't think I'll be tied up much longer.

Broadcaster's Response

The broadcaster sent its official response to the complainant on July 31:

Your letter to the Canadian Broadcast Standards Council has been forwarded to me for response. We take our viewers' concerns seriously, and I appreciate you taking the time to write. I have reviewed your letter and supporting material, and I have spoken at length with our News Director, [S. C.], and with the reporter, Desmond Brown. I have also reviewed Mr. Brown's original story which aired on April 27, 2007.

You have complained that the *CTV News* story about your dispute with your neighbour, Denise Alexander, was incomplete and unfair. You also believe information in the report violated your privacy, and that CTV implied a connection between a political campaign contribution, and Councillor Walker's decision in the dispute.

Shortly after the news item aired, you contacted [the News Director] and raised your concerns. He agreed that a follow-up story would be appropriate. The intention was to advance the story by including documentation in your possession, which you indicated supports your case against Ms. Alexander, and to give you and your neighbours an opportunity to rebut the comments she made in the original story. It was also an opportunity for you to address your concerns about the initial story's reference to the contribution you made to Councillor Walker's campaign.

[The News Director] assigned Mr. Brown to this follow-up story. Mr. Brown spoke with you numerous times on the telephone, and met with you on May 16. At this time, you offered documentation which you claim shows that your neighbour fraudulently obtained a permit, as this material was inconsistent with the information *CTV News* obtained from City Hall, it was necessary for you to speak to this matter on camera. Unfortunately, you declined to appear on camera to back up your claims.

In further efforts to get both sides, Mr. Brown approached your neighbours, Mr. [F.] and Mr. [A.], as you recommended. However, neither would appear on camera to refute Ms. Alexander. Mr. [F.] indicated that you would be the best spokesperson.

Mr. [B.], we are proud of our reputation at *CTV News* for fairness and balance. In some cases, achieving that goal requires a follow-up story. But our objective is always to get information "on the record".

We believe our viewers deserve to know where we get our information, and who our sources are. *CTV News Toronto* has given you and your neighbours an opportunity to tell your side of

the story, and you have all declined. I am satisfied that Mr. Brown and our newsroom made every effort to respond to your written complaint and to provide a fair and accurate report.

As to your privacy concerns, the information regarding your name and address was integral to the story and is on the public record on City Hall documents concerning this dispute.

This dispute is now before the courts, and *CTV News* intends to follow it through that process, with additional reports as new information comes to light. We invite you to participate in that ongoing coverage, and indeed, we urge you to do so.

CTV News is a member in good standing of the CBSC and adheres to its guidelines.

Thank you again for taking the time to write with your concerns.

Additional Correspondence

The complainant filed his Ruling Request on August 7, 2007 via both e-mail and regular mail:

Dear Council Members,

I have received CTV's response to the above complaint. I am writing to advise you that I find the response deficient in several material respects. As a result I am requesting the CBSC to adjudicate the matter.

Reasons for this request: In its response, CTV has not disputed the validity of the key points in my complaint. However, CTV has failed to broadcast a correction and its justification for not doing so is inadequate.

1. CTV has not disputed the fact that the April 27th segment was not a "full, fair and proper presentation of news". However CTV has taken the position that the only way to rectify this situation is for me, or someone else, to agree to appear on-camera. By taking this position CTV is suggesting that its only obligation is to broadcast a "he said/she said" follow-up piece. This is disingenuous. Article One of the RTNDA Code states that "Broadcast journalists will inform the public in an accurate, comprehensive and fair manner." The requirement for accuracy and comprehensiveness clearly implies an obligation on the part of the journalist to obtain, assess, and verify the facts. CTV failed in this regard in the April 27th piece, and in its response to my complaint it is failing again.

CTV has been given the documentary evidence (see Appendix 1) which proves that the parking permit was improperly obtained. CTV has been able to corroborate this information with third parties (see Appendix 2-b). This information is a matter of fact, not opinion, and its broadcast would give CTV viewers a full understanding of the facts. **CTV should honour its obligations under Article One of the RTNDA Code and use its resources to confirm that this information is factual, and then to present an accurate report on the situation.** My on-camera participation is not necessary for CTV to do this.

CTV is responsible for the omissions and errors in the April 27th report. I submit that CTV has an obligation to correct them, and that CTV has the information, the means, and the ability to do so.

2. CTV has not disputed that the details regarding my campaign contribution were not relevant to the story since the contribution was made well after this matter was settled, and that disclosing them was an invasion of my privacy. However the remedy that CTV has proposed is that I appear on-camera to correct the record. Clearly this is not an appropriate remedy as this would be a further invasion of my privacy. The appropriate remedy is for CTV to publicly acknowledge and correct the error themselves.

CTV's response to the remainder of my privacy complaint is inadequate. This is addressed in detail in Appendix 2-e.

3. The CTV July 31, 2007 response to my complaint contains a number of significant errors and omissions. These are summarized and addressed in Appendix 2.

Summary:

This unfortunate situation arose because my neighbour was seeking publicity. CTV gave it to her without making any meaningful attempt to verify the facts. As a result, CTV presented a biased and incomplete report, and in the process unnecessarily violated my privacy and impugned both Councillor Walker's and my reputations.

CTV's written response to my complaint makes it clear that CTV has not made any serious effort to verify the evidence that I have given to them (see Appendix 2-a). Instead, CTV's proposed solution to correct the deficiency in their reporting is for me to appear on-camera - a further violation of my privacy.

CTV has been given significant documentary material from the City files to support the facts that I have provided to CTV. These facts have been independently verified by two other neighbours. CTV has what it needs to correct the record without me.

CTV made the errors and omissions in the April 27th piece on its own, and I submit it has an obligation to correct the record on its own, without my active on-air participation.

I recognize that this appropriate remedy might not make for arresting television. However that is not my problem. Nor should it be a concern of the CBSC in adjudicating this complaint.

I look forward to the CBSC decision on this matter.

Appendix 1

Information provided to Mr. Brown at the May 16th 2007 meeting, together with sources.

Document	Source
The application that Ms. Alexander signed acknowledging that the requirement for a permit is that the disabled person is a permanent resident.	City Files*
The permit issued to Ms. Alexander clearly stating the requirement that the disabled person is a permanent resident.	City Files*
A declaration that Ms. Alexander submitted to the City stating that the disabled person was a permanent resident.	City Files*
A hand-written letter from Ms. Alexander to the City stating that the disabled person had been a	City Files*

permanent resident.	
A video of the September 13 th Community Council meeting at which Ms. Alexander's lawyer publicly acknowledges that the disabled person was never a permanent resident.	City Staff
A column from the <i>Toronto Sun</i> dated July 25 th , 2006 in which Sue Ann Levy reports that Ms. Alexander told her that the disabled person only visited.	Toronto Sun Website
A photo of the installation at 527 showing that no provision was made for wheelchair access into the house. There was never any intention to have a disabled person reside here.	[R. B.]
A contract with the City signed by Ms. Alexander in which she agreed to forfeit the parking space. She did not honour this contract.	City Files*
A receipt for my campaign contribution clearly showing that it was made well after City Council had decided to revoke permit.	Pay Pal
A chronological summary of the key events in the story to assist CTV in understanding the story.	[R. B.]

*Information from the City files obtained under the Municipal Freedom of Information and Protection of Privacy Act.

Appendix 2

The CTV July 31, 2007 response to my complaint contains a number of significant errors and omissions. Here is a summary:

a) CTV Response: *"At this time, you offered documentation which you claim shows that your neighbour fraudulently obtained a permit, as this material was inconsistent with the information CTV News obtained from City Hall, it was necessary for you to speak to this matter on camera."*

Comment: There is no inconsistency, just a failure by CTV News personnel to understand what they have. The CTV reporter had in his possession a copy of an August 29, 2006 Toronto Staff Report. This Report makes no mention of the fact that the disabled parking permit was improperly obtained because the presentation of proof of this occurred at the September 13th 2006 Community Council meeting. This is precisely why Community Council voted unanimously at the September 13th meeting to overturn the Staff recommendation contained in this August 29th Report, and revoke the permit.

I suggest that this statement by CTV supports my contention that CTV has failed to do, and continues to fail to do, the basic background research necessary to understand the details of the situation, the time line of the story, and the relevance of the information in their possession.

b) CTV Response: *"In further efforts to get both sides, Mr. Brown approached your neighbours, Mr. [F.] and Mr. [A.], as you recommended. However, neither would appear on camera to refute Ms. Alexander."*

Comment: What is omitted here, which both Mr. [F.] and Mr. [A.] have told me, is that in their

conversations with Mr. Brown they both corroborated the information that I had provided to Mr. Brown regarding the parking permit being improperly obtained. CTV has now had this information verified by two independent sources. Surely this, combined with the significant documentary evidence provided to CTV (listed in Appendix 1), is sufficient for CTV to go on-air and correct the record.

c) CTV Response: *“CTV News Toronto has given you and your neighbours an opportunity to tell your side of the story, and you have all declined. I am satisfied that Mr. Brown and our newsroom made every effort to respond to your written complaint and to provide a fair and accurate report.”*

Comment: CTV cannot reasonably state that all the neighbours have declined. Nine people from five houses on the street petitioned Community Council to remove the space. In the three months since I filed my complaint with CTV their reporter has contacted only three of these nine residents, myself, Mr. [F.], and Mr. [A.] -- from only three of the five houses. How does CTV know that the other neighbours would refuse to participate? Clearly CTV does not.

I contend that proper journalistic practice, especially in the face of a complaint, would call for at least a cursory attempt to contact all those involved in the story. According to my neighbours, CTV has made no effort to contact them even though CTV has had ample time -- fully three months since I initially filed my complaint with CTV. This is another example of CTV's failure to do the basic groundwork on the story, and further proof that CTV has not “made every effort to respond to your written complaint and to provide a fair and accurate report.”

d) CTV Response: *“We believe our viewers deserve to know where we get our information, and who our sources are.”*

Comment: CTV is free to state in any follow-up piece how they have learned these facts. This can easily be done without having me appear on-camera, so this cannot be used by CTV as justification for their insistence on an on-air appearance.

It is also important to note that I am not the original source of the documents. These were obtained from the City files under the Municipal Freedom of Information and Protection of Privacy Act. A list of the documents given to Mr. Brown and their sources is provided in Appendix 1. I suggest that proper journalistic practice would call for CTV to verify their accuracy and then attribute the original source. By the way, the cost to CTV to file a request for these documents under the MFIPPA in order to verify their source and accuracy would be five dollars.

Finally, I must point out that CTV itself did not follow this policy of source attribution in the very April 27th segment that is the subject of this complaint. During the segment, the reporter says that he learned of my campaign contribution from a “financial statement” but the reporter does not state who prepared this financial statement, nor does the reporter say where he obtained it. This is an obvious violation of CTV's own policy, and seems to suggest that this policy is not consistently applied.

e) CTV Response: *“As to your privacy concerns, the information regarding your name and address was integral to the story and is on the public record on City Hall documents concerning this dispute.”*

Comment: CTV has not explained why it feels that this information was integral to the story. My name was mentioned only in connection with the campaign contribution, and CTV has not disputed my contention that information regarding the contribution was not relevant to the

story. By inference therefore, mention of my name was also not relevant.

Also, the residents of five of the houses on the street -- nine people in total -- petitioned Community Council to have the space removed. However CTV did not include their personal information in the broadcast. CTV has offered no explanation as to why my name, exact address, and the fact that I am not at home during the day was integral to the story, but why the same information about the other petitioners was not. CTV has not provided an adequate explanation, and the explanation that it has provided does not stand the test of logic.

The complainant sent additional information to the CBSC via e-mail on August 16, 2007:

I am enclosing a copy of a letter to the CBSC with some additional information that has come to my attention that I believe is relevant to my complaint. I have provided this information to CTV (copy attached) and requested a response, but have not received one.

The letter read:

Some additional information has come to light that has a bearing on my complaint (see details in the attached letter to CTV). Although I requested a response from CTV, I have received nothing other than an acknowledgement of receipt.

I suggest that in view of this apparent conflict, CTV had an extra duty of care to ensure that the segment was strictly impartial. Even if CTV was not aware of these facts prior to the broadcast, now having learned of them CTV has an obligation to correct the record in the interests of the perception of impartiality (RTNDA Code, Article Six).

CTV may still suggest that the only remedy would be for me to appear on camera. This, besides being a further violation of my privacy, would present the facts provided to CTV as mere allegations. I suggest that in order to present a "full, fair and proper presentation of news", and in order to ensure the perception of impartiality, CTV should be obliged to take the simple steps necessary to verify the strong documentary evidence that I have provided and, if found to be correct, present it as fact.

I look forward to the CBSC decision on the matter.

Attached letter to CTV dated August 10:

I have some news that has a strong bearing on this matter.

My neighbour, Mr. [A.], has contacted me and described a conversation that he had on August 9th with Ms. Alexander, the subject of your April 27th piece, and Ms. Sue-Ann Levy, a *Toronto Sun* columnist and a member, along with your reporter Mr. Brown, of the City Hall Press Corps. In the conversation, Ms. Alexander indicated to Mr. [A.] that Ms. Levy will be moving in with Ms. Alexander.

Clearly Ms. Levy would have a vested interest in the parking arrangements at Ms. Alexander's home, the subject of your April 27th piece. Mr. [C.], the CTV News Director, had told me previously that Mr. Brown got his idea for the April 27th story from a fellow member of the City Hall Press Corps. I also note that your April 27th segment shows what appears to be Ms. Levy's car in the driveway at the time of the interview.

All of this would suggest that there was the potential for a conflict of interest in this situation. I am sure that your reporter did nothing improper, and that his failure to properly research the story was a simple error, unconnected with this.

However in view of this new information, combined with the significant errors and omissions in your April 27th report, I suggest that the appropriate course of action would be for CTV to assign a non-City Hall reporter to fully research the story -- including the strong documentary evidence that I have provided -- and present a comprehensive follow-up report.

I would appreciate a response indicating your intentions. If *CTV News* still intends to take no action, then I will need to take steps to amend my CBSC complaint to reflect this new information.

Once again, I emphasize that I have no wish to embarrass CTV through an unfavourable CBSC Adjudication Panel or CRTC decision. I simply want the record corrected.

I would be happy to discuss this matter with you personally, if you wish to call me.

The Senior Vice President of *CTV News* Toronto responded in an undated letter received by the CBSC on September 12:

Thank you for taking the time to speak with [A. D.] last week. He enjoyed meeting you, and we appreciate the additional information and documentation you provided concerning our story about the driveway permit.

I now understand from [A.] that you do not wish to have us pursue a follow-up television story. As you are aware, we have been trying to advance the story and give you and your neighbours the opportunity to respond to the original report. As I outlined in my letter to the CBSC, the original story on April 27 contained the information that was available at the time, and it was always our newsroom's intention to follow the story to its conclusion, ensuring that it was complete, balanced and fair for all parties.

Since you have requested that we do not do an additional story, and have repeatedly declined our offers to appear in a follow-up story, I believe the only option is to let the matter rest. I trust you will find this satisfactory.

The complainant responded on September 10 to the Senior Vice President of *CTV News* Toronto and sent a copy to the CBSC with the following note:

You have recently been copied on an undated letter from [the Senior Vice President of News] of CTV addressed to me which indicates that the above matter has been settled. This is not the case. I am enclosing a copy of my response to [the Senior Vice President] for your file which addresses the points in his letter, and contains my request that the CBSC proceed to adjudicate the matter.

The letter dated September 10 read:

Thank you for your recent undated letter regarding the above matter. Unfortunately, it does

not fully reflect my discussion with your reporter. During our discussion, Mr. [D.] suggested that in view of the amount of time that had passed since the April 27th piece aired, it might not make sense to do a follow-up on the story.

I responded by telling Mr. [D.] that I was prepared to drop the matter as long as I received a simple acknowledgement from CTV that the April 27th story was not a “full, fair and proper presentation” of the facts. I told Mr. [D.] that I would be satisfied with a private verbal apology. This has not been forthcoming.

With regard to other points in your letter, I must take serious issue with the statement that “the original story on April 27 contained the information that was available at the time.” While your reporter portrayed the story as a dispute between neighbours, he made no meaningful attempt to speak with anyone other than Ms. Alexander. Had Mr. Brown made any such effort, there was certainly significant additional information readily available. I have outlined this in previous correspondence, and you have acknowledged in your letter that Mr. [D.] has confirmed this to you.

You argue that it was CTV’s intention to provide a complete, balanced and fair report sometime in the future. I would point out that the wording of Clause Six of the *CAB Code of Ethics* makes it clear that a broadcaster’s fundamental obligation to provide a “full, fair and proper presentation” is not satisfied simply by future good intentions. I would also point out that, despite your stated intentions, after four months no such full and fair follow-up report has been forthcoming from CTV.

With regard to my refusal to be interviewed on camera, I would have been happy to be interviewed for the original April 27th piece. No such opportunity was offered to me.

Once the biased April 27th piece aired, it has been my contention that since CTV made the errors and omissions in the piece on its own, CTV had the obligation to correct them on its own, and that I had provided CTV with the strong documentary proof necessary to enable CTV to do so without my on-air participation. A broadcaster does have the ability to communicate information by means other than an interview.

Given the amount of time that has now passed, I must agree with Mr. [D.]’s suggestion that raising the issue again now would serve no useful purpose, as I believe that after so long a time it would not be possible to correct the erroneous impressions left by the serious deficiencies in Mr. Brown’s original report, and his inappropriate innuendo regarding my campaign contribution.

Regarding CTV’s delay in addressing the matter, my letter of complaint was in CTV’s hands by courier on April 30th, so the delay cannot be attributed in any way to me.

I ask that CTV honour my request for a simple, private acknowledgement that the April 27th piece was not a “full, fair and proper presentation of news.” If CTV is not prepared to do this, then I ask that the CBSC proceed to adjudicate my complaint and Section Four of the *RTNDA Code of Ethics*.