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**CANADIAN BROADCAST STANDARDS COUNCIL**

**ONTARIO REGIONAL PANEL**

**CFTO-TV (CTV Toronto) re a *CTV News at Six* report (Driveway)**

(CBSC Decision 06/07-1301)

Decided April 14, 2008

R. Stanbury (Chair), M. Ziniak (Vice-Chair), D. Braun (*ad hoc*), R. Cohen (*ad hoc*),

K. King and H. Pawley (*ad hoc*)

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**THE FACTS**

During the news program *CTV News at Six* on April 27, 2007, CFTO-TV (CTV Toronto) broadcast a news report about a woman who, having extended her driveway, was now being told by the City of Toronto that she should not have been granted permission to do so. The two CTV Toronto news anchors introduced the story as follows:

Ken Shaw: It's anything but fun and games at one North Toronto neighbourhood residence. There is bickering after one homeowner put an addition on her driveway.

Christine Bentley: She thought she did everything right, but now, five years later, the home owner has been told the project never should've been given the green light. Here's CTV's Desmond Brown.

The report then began with a scene of a silver car pulling into a driveway, followed by a shot of the house and a close-up of the interlocking brick on the driveway. The caption read "Russell Hill Road, Today". Reporter Desmond Brown commented in voice-over:

Denise Alexander parks in her driveway, but she's only allowed to put her car on one side, even though she paid eight thousand dollars to widen it and was granted a permit from the City to park there.

The report then showed a clip of an interview with Ms. Alexander standing in her driveway:

And, again, I went through the City, did everything they told me to do. They even had me, of course, do extra landscaping and – which is fine; I love gardening. Did all that, spent the money, and five years later, they come back at me with something in the mail saying I should come to community council.

The visual accompaniment to Brown's next comments consisted of close-ups of the driveway and the landscaping.

Brown's voice-over: At the community council meeting she was told that the city had made a mistake, that she would have to rip up the widened portion and restore it to a single car driveway at her own expense.

Alexander: The implication was that I did something in the middle of the night.

The camera followed Alexander as she walked towards the end of the driveway and pointed out the edge.

Brown: Seems that some of the neighbours complained to City Hall. They said Alexander's widened driveway took away a parking spot on the street. One letter said the new driveway had a negative impact on the safe and reasonable use of a neighbouring driveway.

An archival clip of a previous interview with City Councillor Michael Walker was shown, along with the following voice-over by Brown:

The local councillor here is Michael Walker and he supports the neighbours' complaints.

Reporter Brown was then shown in front of Alexander's house with documents in hand:

These City of Toronto documents show that the neighbours on both sides of Alexander are opposed to the widened driveway. I also found this financial statement which shows that the neighbour to the south [points to neighbouring house], [R.B.], donated three hundred dollars to Michael Walker's campaign in last November's election.

The visual images were of Brown knocking on the door of a neighbouring house, presumably that of Mr. [B]. The house number was fully visible.

Brown's voice-over: [B.] was not home when we knocked on his door and Michael Walker was out of town today [shot of Walker's empty office] and did not return our phone calls.

Alexander: I think it's a personal vendetta of a neighbour. Um, I couldn't understand why Michael Walker wouldn't call me back four times. You know, he didn't know me from anything and yet he won't even give me the courtesy of an answer of a phone call. And I am a constituent of his.

That remark was followed by a scene of Ms. Alexander showing a document to Brown.

Brown's voice-over: Meanwhile the City of Toronto has sent Alexander permit renewal forms for her widened driveway [close-up of the form]. Go figure.

Brown's report concluded with a scene of him standing outside Toronto City Hall:

And Alexander has hired a lawyer to help her fight the City's decision. She also says she's going to file a complaint with the City's Ethics Commissioner against Councillor Michael Walker. Live from City Hall, I'm Desmond Brown. Ken.

The CBSC received a complaint about the report on July 4 from the neighbour named in the report. He had already had correspondence with CTV Toronto and included copies of those e-mails. He outlined his concerns, in part, as follows (the full text of all correspondence can be found in the Appendix):

On April 27<sup>th</sup> 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.

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

[...]

#### Complaint Details:

1. The CTV announcer's lead-in to the April 27<sup>th</sup> 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.

[...]

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 27<sup>th</sup> 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 27<sup>th</sup> 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 30<sup>th</sup>. CTV indicated that they would do a follow-up story (see attached e-mails) to address the complaint. On May 16<sup>th</sup> 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.

Once the official complaint was lodged with the CBSC, the broadcaster sent the following reply on July 31:

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.

[...]

[...] [W]e 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.

[...]

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

The complainant filed his Ruling Request on August 7 along with documentation to support his claims.

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 [...] which proves that the parking permit was improperly obtained. CTV has been able to corroborate this information with third parties [...]. 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.

[...]

3. The CTV July 31, 2007 response to my complaint contains a number of significant errors and omissions. [...].

**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 [...]. 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.

The complainant sent additional information to CTV and the CBSC regarding the driveway permit matter. CTV Toronto responded to him again in September:

Thank you for taking the time to speak with [a CTV reporter] 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 [him] 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 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, [the reporter] suggested that in view of the amount of time that had passed since the April 27<sup>th</sup> piece aired, it might not make sense to do a follow-up on the story.

I responded by telling [the reporter] that I was prepared to drop the matter as long as I received a simple acknowledgement from CTV that the April 27<sup>th</sup> story was not a "full, fair and proper presentation" of the facts. I told [the reporter] 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 [the other CTV Toronto reporter] 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 27<sup>th</sup> piece. No such opportunity was offered to me.

Once the biased April 27<sup>th</sup> 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 [the reporter]'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.

[...]

I ask that CTV honour my request for a simple, private acknowledgement that the April 27<sup>th</sup> 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*.

## THE DECISION

The Ontario Regional Panel examined the complaint under the following provisions of the Canadian Association of Broadcasters' (CAB) and Radio Television News Directors Association of Canada's (RTNDA – The Association of Electronic Journalists) *Codes of Ethics*:

### *CAB Code of Ethics, Clause 5 – News*

- 1) It shall be the responsibility of broadcasters to ensure that news shall be represented with accuracy and without bias. Broadcasters shall satisfy themselves that the arrangements made for obtaining news ensure this result. They shall also ensure that news broadcasts are not editorial.
- 2) News shall not be selected for the purpose of furthering or hindering either side of any controversial public issue, nor shall it be formulated on the basis of the beliefs, opinions or desires of management, the editor or others engaged in its preparation or delivery. The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening, and to understand events so that they may form their own conclusions.

### *CAB Code of Ethics, Clause 6 – Full, Fair and Proper Presentation*

It is recognized that the full, fair and proper presentation of news, opinion, comment and editorial is the prime and fundamental responsibility of each broadcaster. This principle shall apply to all radio and television programming, whether it relates to news, public affairs, magazine, talk, call-in, interview or other broadcasting formats in which news, opinion, comment or editorial may be expressed by broadcaster employees, their invited guests or callers.

### *RTNDA Code of (Journalistic) Ethics, Article 1 – Accuracy*

Broadcast journalists will inform the public in an accurate, comprehensive and fair manner about events and issues of importance.

### *RTNDA Code of (Journalistic) Ethics, Article 4 – Privacy*

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. Hidden audio and video recording devices should only be used when it is necessary to the credibility or accuracy of a story in the public interest.

### *RTNDA Code of (Journalistic) Ethics, Article 7 – Corrections*

Errors will be quickly acknowledged and publicly corrected.

The Panel Adjudicators read all of the correspondence and viewed a recording of the challenged news report. The Panel concludes that the report violated all of the aforementioned Code provisions.

### **Accurate, Comprehensive and Fair**

There is no dispute about the obligation of every broadcaster to report the news accurately, comprehensively and fairly. That is, after all, the express or combined effect of Article 1 of the *RTNDA Code of (Journalistic) Ethics* and Clauses 5 and 6 of the *CAB Code of Ethics*. The issue for the Ontario Regional Panel is, therefore, whether the challenged CTV Toronto newscast measured up to those criteria.

In the matter at hand, the broadcaster appears to be relying on its position that “the original story on April 27 contained the information that was *available at that time* [emphasis added].” It appears to the Panel, however, on the basis of the uncontested information contained in the extensive correspondence, that other highly relevant background matter was *publicly* available at the time the story was broadcast. More important, it seems to the Panel that the news item would have been very differently reported had the CFTO investigation taken the available facts into account. Finally in this regard, it does not appear to the Panel that the broadcaster would have had to drill very deep to access that information.

In the view of the Panel, the problems began with the introduction of the co-anchors. Although Christine Bentley provided the first clue (perhaps “opportunity” would be a more appropriate word) in her statement that “the home owner has been told that the project never should’ve been given the green light,” the Panel sees no evidence in the news segment that the reporter ever asked *why* Denise Alexander was told that. At least, no information was aired explaining *who* told the home owner that the permit should not have been granted in the first place or *what* the reason was for such an assumption. The report did attach importance to the fact that Ms. Alexander: paid \$8,000 to widen the driveway; was granted a permit to park there; and did the extra landscaping requested. In other words, the news segment stated only that Alexander

“was told that the city had made a mistake,” without advising the audience, or possibly even investigating, *what that mistake was*. It appears to have relied on anonymous, or at least unattributed, assertions that the “widened driveway took away a parking spot on the street” and that the “new driveway had a negative impact on the safe and reasonable use of a neighbouring driveway.” Nothing more substantial or specific than that.

Surely, on the very face of things, information about the nature of the city’s “mistake” would have *had to be* available from any or all of the neighbours’ complaints, the minutes of the Council meeting, or other public documentation considered at that meeting. It was, after all, *also* provided by the complainant to CTV Toronto but nothing was done with the information to provide the viewers with a full and accurate story, on the basis of which the audience would have been able to form its own opinion as to the rights and wrongs of Ms. Alexander’s, the city’s and the neighbours’ positions.

The complainant himself has provided information about the reason for the City’s retraction of the parking space entitlement. And the complainant has advised that the information was on the public record and was equally accessible via the neighbours themselves, who were, it appears, following the issue very closely.

Worse than all of the foregoing, the report aired information that was irrelevant to the story on which the reporter had focussed and that was, in consequence, actually misleading to the viewers. First, the broadcast included a video clip of Brown knocking on a door and reporting that the complainant “was not at home when we knocked on his door.” The Panel is at a loss to understand *why* that would have been of any relevance to the story. It was fair enough to report that the local City Councillor “was out of town today and did not return our [CFTO’s] calls.” That is, after all, directly related to the Council, the permit debate and so on. But the fact that, during the day, when most people go to work, the complainant neighbour was not there left, if anything, an implication of avoidance on his part, particularly when reported *in the same sentence* as the absence of the local Councillor. Indeed, it reflects badly on the broadcast itself, there being no suggestion that the reporter had done his own due diligence in making an effort, beyond a single daytime door-knocking, to reach one or more of the several materially concerned and knowledgeable neighbours.

Second, Brown reported that he had “found this financial statement which shows that the neighbour to the south [the complainant] donated three hundred dollars to [local Councillor] Michael Walker’s campaign in last November’s election.” The clear implication to any reasonable viewer was that there was, at the very least, a link, likely a questionable link, if not outright collusion, between the complainant’s donation and the Councillor’s position on the issue that was central to the story. The Panel is concerned, not only about the privacy issue (of which more below), but also about the irrelevancy of

reporting a small, on the record donation, one made *after* the meeting of the Council at which the vote to revoke the parking space permit was taken.

All in all, the Panel considers that the broadcaster failed the audience. It did not provide them, in an accurate, comprehensive and fair manner, with information that would have enabled them to meet the test provided in Clause 5(2) of the *CAB Code of Ethics*: “The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening, and to understand events so that they may form their own conclusions.” In fact, it appears to the Panel that the reporter picked and chose the information *he* wished to disseminate, in order to make his point, in order to present the story the way he believed it should conclude, regardless of the information actually available to him. Accuracy, thoroughness and fairness were casualties of his approach. For these reasons, the Panel concludes that the broadcast of the April 27, 2007 story breaches Clauses 5 and 6 of the *CAB Code of Ethics* and Article 1 of the *RTNDA Code of (Journalistic) Ethics*.

### **Steps to Put the Matter Right**

The Panel shares the complainant’s view of the broadcaster’s non-exercise of remedial actions. It appears that, according to the broadcaster’s letter, “shortly after the news item aired,” the complainant contacted the News Director about his concerns. The News Director acknowledged “that a follow-up story would be appropriate.” He also offered, generously, the opportunity to the complainant and to other neighbours, to “address [their] concerns” and to “rebut the comments [Ms. Alexander] made in the original story.” The question, though, is what obligation a broadcaster has to its audience above and beyond its duty to a specific complainant. The generosity of an offer of airtime to *one individual* does not obviate the obligation of a broadcaster to the *entire audience* to get a news story right. The complaint may be the trigger but the broadcaster’s public commitment does not end there. As Article 7 of the *RTNDA Code of (Journalistic) Ethics* provides, “Errors will be quickly acknowledged and publicly corrected.”

It is clear from the broadcaster’s September letter that the CTV Toronto News Director spoke to the complainant “numerous times” soon after the story appeared and actually *met* with the complainant 19 days after the story ran. That letter acknowledges the existence of documentary information that would have disclosed the allegedly fraudulent nature of the original permit application *and* that was “inconsistent with the information CTV News obtained from City Hall.” It is at this point that the Panel parts company with CTV Toronto, for the letter concluded that “it was necessary for you [the complainant] to speak to this matter on camera. Unfortunately, you declined to appear on camera to back up your claims.” While the Panel understands the desire of CTV Toronto to have

individuals on tape, since that would make for better television, it considers that the station's greater obligation is to the audience to present the story correctly. It had the opportunity to dig up and present corrected information on a timely basis, soon after the original broadcast, but it chose not to do so, contrary to the requirements of Article 7 of the RTNDA Code.

## Privacy

As a general rule and as stated in Article 4 of the RTNDA Code, broadcasters are only entitled to infringe the privacy of individuals when it is necessary in the public interest. Thus, for example, CBSC Panels have held that persons involved in court proceedings cannot, in the absence of a court order to the contrary, expect that those court proceedings will not be public. Thus, in *CHBC-TV re Newscast* (CBSC Decision 93/94-0292, December 18, 1996), the B.C. Regional Panel held that where "there was no suggestion by the complainant that the coverage was slanted or unfair [but] his complaint was that there was coverage of the incident *at all*," his complaint should not be upheld. In another decision, namely, *CKCO-TV re a News Item (Disappearance)* (CBSC Decision 00/01-0739, June 28, 2001), where the owner of a well-known tavern in a city, who had been charged with possession and distribution of child pornography disappeared, it was held fair to identify the tavern and to show video images of it, despite the fact that people who worked there would likely suffer on that account. This Panel concluded that

it can be safely assumed that, most of the time, the parties to civil proceedings and, probably almost all the time, those charged in penal and criminal matters, do *not* feel comfortable having their business conducted in the public eye. This is probably also true of their close friends and relatives, who may sense discomfort in the reflected glare. It is, however, a personal cost necessarily incurred for the benefit of the public. It follows that CKCO's identification of the accused by name, address and business association was entirely justified as being in the public interest, despite any pain which may have resulted to the brother-in-law and the members of his family.

In *CITY-TV re CityPulse at Six News Report* (CBSC Decision 04/05-0933, April 19, 2005), this Panel stated its position on the inevitable collision between the identification of individuals who not wish to be in the glare of the public and the interest of the public in having them there.

Frequently, those who are in the news wish to be there. Needless to say, this is not always the case. The difficult question for the CBSC to answer is how to measure the relative entitlements; namely, the desire of those who do not wish to be there, on the one hand, and the wish of those who report the news to place them in the public eye, on the other. In fact, it is not those interests which are at the root of the evaluation. It is the public interest. The fundamental applicable principle is that privacy is to be respected "except when necessary in the public interest."

In yet another case, namely, *CIHF-TV re News Item (Random Neighbourhood Shooting)* (CBSC Decision 97/98-0622, November 25, 1998), the Atlantic Regional Panel dealt with a complaint from the owner of a house which was shown in a news report on a pellet gun shooting incident. In that case, no individuals were named and, although the house where the shooting occurred was shown, the Panel found no fault with the broadcast. It concluded:

While it may be true that the house may be distinctive in its neighbourhood, and indeed that some friends, neighbours or relatives may have been able to identify the owner of the house on this basis, there is insufficient information in the report to make it clear to others who the possible perpetrators of the alleged offence might be.

In the matter at hand, the contention of the complainant is that his privacy was invaded by the disclosure of his name, his address, the video clip of his home, and the disclosure of the fact that he was not customarily at home during the day. The Panel finds that there was nothing substantive that flowed from the revelation of that information in the news item. It was not as though the complainant was seen on screen or that any relevant allegation about the story involved him. He was *one of five* neighbours who were concerned enough about the issue to take it to Council. None of the others was identified. None of them was interviewed. The actual disclosure of the fact that he was not at home on a normal working day could actually have posed security concerns. The only *possible* link was the revelation of the complainant's financial donation to the City Councillor but that could only have been justified had it been relevant. In the end, because, for the reasons given above, it was irrelevant and valueless in terms of the public interest, it too constituted an unmerited violation of the complainant's privacy.

Nor, it has been made clear, is there any defence to the broadcast of information on the basis that it is publicly available. In *CKYK-FM re broadcast of a civic address* (CBSC Decision 05/06-0710, June 30, 2006), for example, the Quebec Regional Panel stated:

[I]t should be noted that not all publicly accessible information is public for broadcast purposes. A prime example is, of course, the telephone and address co-ordinates of private individuals. Although these are among the most publicly accessible pieces of information, they cannot be broadcast on the basis of that rationale alone.

And in *CFTO-TV (CTV Toronto) re CTV News report (terrorist suspects)* (CBSC Decision 05/06-1641, January 9, 2007), this Panel made a related observation on the issue of the publication of publicly accessible information.

Nor is there any justification for the revelation of civic addresses or telephone numbers of private individuals on the grounds that someone can locate such information in phone directories, on the Internet, or elsewhere. Article 4 refers only to the unreasonable infringement of privacy. The issue is related to the entitlement of the *individual* not to be the subject of public enquiry and not to the existence of information about him or her that may be located by a diligent search in a public or quasi-public database.

It is clear that the story in the matter at hand could have been told without a single specific reference to the complainant since there was not the slightest substantive addition to the newscast by the revelations of the name, address, afternoon whereabouts or political donation. The Panel concludes that those revelations constituted a breach of Article 4 of the RTNDA Code.

### **Broadcaster Responsiveness**

In all CBSC decisions, the Council's Panels assess the broadcaster's responsiveness to the complainant. In the present instance, the Panel finds that the correspondence from the Senior Vice President, News, of CTV Toronto was lengthy and detailed. The letters, both before and following the CBSC's involvement in the file, reflected the issues raised by the complainant. While that correspondence did not constitute a satisfactory reply from the complainant's perspective, the Panel must underscore that the broadcaster is never under any obligation to *agree* with the complainant. It is the commitment to dialogue with a complainant who has made the effort to register a concern that is the issue. Not only is there no fault in the difference of perspectives, it is the case that every matter that goes to a Panel for adjudication begins with just such a disagreement between the complainant and the broadcaster. The Panel considers that CTV Toronto has fully met its CBSC membership responsiveness responsibilities in this instance.

### **ANNOUNCEMENT OF THE DECISION**

CFTO-TV (CTV Toronto) is required to: 1) announce the decision, in the following terms, once during prime time within three days following the release of this decision and once more within seven days following the release of this decision during the time period in which the *CTV News at Six* report was broadcast; 2) within the fourteen days following the broadcasts of the announcements, to provide written confirmation of the airing of the statement to the complainant who filed the Ruling Request; and 3) at that time, to provide the CBSC with a copy of that written confirmation and with air check copies of the broadcasts of the two announcements which must be made by CFTO-TV.

The Canadian Broadcast Standards Council has found that CTV Toronto violated the Canadian Association of Broadcasters' *Code of Ethics* and the Radio Television News Directors Association's *Code of Ethics* in a report broadcast on *CTV News at Six* on April 27, 2007. By neglecting to investigate publicly available material that would have contradicted the news story broadcast and by reporting an irrelevant allegation that implied inappropriate influence by an identified individual on a City Councillor, CTV Toronto breached Article 1 of the RTNDA Code and Clauses 5 and 6

of the CAB Code, which require accurate, comprehensive and fair reporting. By not correcting its news story when it had the information in hand, CTV Toronto breached Article 7 of the RTNDA Code, which requires prompt acknowledgement and correction. By providing the name and address of the identified individual and other personal information, CTV Toronto infringed his privacy, contrary to Article 4 of the RTNDA Code.

*This decision is a public document upon its release by the Canadian Broadcast Standards Council.*

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## APPENDIX

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

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#### 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 27<sup>th</sup> during the 6:00 pm newscast. I filed a complaint directly with CTV regarding this on April 30<sup>th</sup>, 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 27<sup>th</sup> 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 27<sup>th</sup> 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 27<sup>th</sup> 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 27<sup>th</sup> 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 27<sup>th</sup> 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 30<sup>th</sup>. CTV indicated that they would do a follow-up story (see attached e-mails) to address the complaint. On May 16<sup>th</sup> 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 24<sup>th</sup>) 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 27<sup>th</sup> 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.

<b>Document</b>	<b>Source</b>
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 Files*

City stating that the disabled person had been a permanent resident.	
A video of the September 13 <sup>th</sup> Community Council meeting at which Ms. Alexander's lawyer publicly <b>acknowledges that the disabled person was never a permanent resident.</b>	City Staff
A column from the <i>Toronto Sun</i> dated July 25 <sup>th</sup> , 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 13<sup>th</sup> 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 27<sup>th</sup> 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 27<sup>th</sup> 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 27<sup>th</sup> piece. No such opportunity was offered to me.

Once the biased April 27<sup>th</sup> 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 30<sup>th</sup>, 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 27<sup>th</sup> 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*.