
APPENDIX B

CBSC Decision 12/13-0558 CICI-TV (CTV Northern Ontario) re CTV News reports (Furnace Fiasco)

The Complaint

The CBSC received the following complaint via its webform on December 4, 2012:

Station: MCTV Sudbury

Program: MCTV News

Date: November 28 2012

Time: 6:00 pm, 11:00 pm, 12:00 am

Comments: The report was extremely biased, did not report facts as explained to the reporter and damaged the reputation of [the furnace repair company].

From the time MCTV showed up at my door, it was obvious they were on a mission to make a story out of a matter-of-fact situation. In saying this, they played up the fact that the woman was a "grandmother" and it was a "furnace fiasco". I'm not sure what the woman being a grandmother has to do with anything other than to garner sympathy from the viewing public.

We deal with many seniors and they are always treated with respect and utmost courtesy.

I declined an on-camera interview from MCTV because I am not a TV personality or a lawyer. The reporter stood in my office for twenty minutes or so and tried to twist virtually everything I said. On camera, if you start stuttering or stammering it looks like you are guilty of something. In this case, my company and its employees did nothing wrong or perform any action to be ashamed of.

The other thing about an on-camera interview is that the media can go back to their facility and edit it, to once again manipulate what you have stated. I realized at this point that, no matter what I was [to] say or to do, my company would be unfairly treated by the media. They asked me if I was will[ing] to give the customer their money back. If I did, this would be like an admission that we did something wrong, which we did not. If the media were to broker "a deal" it would be like I paid hush money for the story to go away. Neither of these seemed like a good option.

I did make every piece of information available to the reporter. I took the time to explain to him how this situation arose. I did not try to block any questions that he presented.

The facts are:

1. We cleaned the customer's boiler, tested it and documented the results on the customer's invoice and the customer signed off in the box stating "above work has been completed to our satisfaction". The technician who was there left our employment a week or so after this call after giving us six months notice because he wanted to return to his family home in Marathon to tend to his aging mother. The media made it sound as if he left due to this customer's situation.

2. The customer, after having the issue of sooting a few weeks later, had a second contractor go to the home. This "other contractor" advised the customer that she should be getting [the first repair company] back to the house because if they wanted him to perform the work [then] they would have to pay him.

3. The customer asked the "other" contractor to perform the work required. He cleaned the unit and found no fault or breakdown with the unit or negligence on [the first company's] part.

4. The customer called [the first company] afterwards and asked for their money back. They were informed that with oil-burning units particularly, many things can happen to alter the combustion and that there is no warranty on a clean and service. Any contaminants from the fuel can affect the performance. This is no different than if you have your car tuned up one day and, if you run your tank down low the next, you stand the chance of having contaminants from your fuel tank [get] into the system.

Once we have left the job, any number of changes can affect a heating system and these are beyond our control. We can only report on the situation as we left it. Natural gas is a much cleaner and reliable fuel source.

5. Customer did not like or accept the answer that [the first company] gave them. They tried to contact me but I was off work for personal reasons September and part of October. I must say this would have not changed the outcome.

This was an unfortunate situation that we had no control over. Hopefully, you can now see how the media did not report that the customer had the option to have us back, but instead decided to pay a second contractor. The customer did not raise this issue with the media based on the safety concerns; this issue was raised because they felt they should not pay the invoice. If we had returned to the job we would have used our discretion whether or not to charge the customer; however, officially it would have been a charge call.

The truth is that the media did not report all the facts and, by reporting in this manner, have put themselves in the position of judge and jury. I suggested to the reporter that, if the customer was not satisfied, they should have taken the matter up with the Better Business Bureau, small claims court or a lawyer. Then you would have someone who would properly review all the facts and rule accordingly. We have an excellent reputation. We have been in business for 35 or so years and most of the time I am the one to answer the phone when it rings. I don't hide from anyone.

If you have any further questions I invite you to call.

The complainant sent an additional email on December 24:

Please forward this letter as part of my complaint with MCTV news Sudbury.

The CTV reporter demonstrated a clear bias and did not make the necessary efforts at ensuring that his story was reported accurately.

1. The reporter and cameraman met with the complainant first. This is not an issue. One would anticipate that any story would begin with first hearing from the complainant. However:

- It was evident from the moment the CTV reporter arrived at my place of business that he had already determined the direction the story was going before he had actually conducted some semblance of a balanced investigative inquiry. He came in my office, slapped invoices down on the counter and began to question in a manner that I can only describe as accusing.

- The reporter quickly raised the fact that this was about an 87-year-old woman, although the relevance of the woman's age had no bearing on whether her furnace was properly or improperly serviced, but it did demonstrate his efforts in sensationalizing the story he wanted to report – that an “87-year-old grandmother” had been mistreated. This was an effort by the reporter to make the story more provocative than the facts would have ever supported.

- I spoke to him for about 30-45 minutes standing inside my office. I explained in detail the role of a technician who cleans a furnace. I showed him the steps taken by the technician (cleaning, performing and documenting a combustion analysis, providing a copy of this analysis for the customer). None of this information made it to the broadcast.

- In an effort to explain to him the various problems that can surface in an oil furnace in the weeks after a technician worked on a unit, I used several examples of instances that can interfere with the functioning of an oil furnace. [He] responded flippantly by stating, "so this little old lady went downstairs and drop-kicked the furnace". He also made the comment to the effect, "an 87-year-old woman tinkered with her furnace". These comments again demonstrated that the reporter was biased in his reporting, having decided that the issue was that the furnace owner was an 87-year-old grandmother.

- It was fully my expectation that he would report on information I provided to him. However, it was only after he left that I realized that he had not been taking any notes. If his intent was to report in an unbiased manner, how can an interview lasting 30-45 minutes long [be] achieved without benefit of note taking?

- He had already decided that there was a story prior to having made any contact with personnel in the office as is evident by the fact that footage of the exterior of the office and exterior signage was taken before speaking to me. Would a journalist not first make an effort to determine if there was in fact a story by first investigating?

- I met with him freely, openly and in a respectful manner at my place of work. However, I was not met with the same degree of respect. He was argumentative, countered every comment I made with a judgment or accusation making it increasingly clear to me that there was a clear agenda on his part and it did not involve a balanced inquiry.

- He challenged me about the call the complainant alleges she made to my office after-hours. I explained that the office would have been closed at 8:00 pm, the time the complainant reportedly called. I advised him that all calls at that time are answered by an

answering service contracted by the company to handle calls after hours and on weekends. He continued to assert that someone at my office had advised the complainant to call a competitor. He clearly did not accept that the company the complainant called was in fact a competitor and continued to challenge me in the relationship I had with this competitor – that he was an employee or a subcontractor. He then threatened to access the phone records at the call centre stating that "legally he could get the phone records".

- While I appreciate the need for an aggressive interview style, there was nothing in my disposition that invited this approach. I did not ask him to leave my premises and, in fact, as stated, continued to speak to him for 30-45 minutes. Again, it was clear that he was only interested in what supported his theory and therefore his story.
- "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." This reporter, and support[ed] by his producer, decided to report an angle for the purposes of sensationalizing and at the cost of the facts. They shall also ensure that news broadcasts are not editorial.
- The CTV story teaser opened with "FURNACE FIASCO". The use of the term "fiasco" was not a description credited to any source but rather was the teaser introduction made by the news anchor.
- Nowhere in the broadcast was any comment described as editorializing: furnace fiasco; referencing to age of complainant.
- After the reporter left, I contacted [CTV News'] Executive Producer.
- [The Executive Producer] referenced this story was about an elderly grandmother.

I assert that in order to say that the age of the complainant had any relevance would be only if the story was about several complaints that demonstrated a pattern of treatment by my company of the elderly. Rather, the local CTV heard about a complaint involving an elderly woman and decided to report on it, choosing to paint my company and, more in particular, paint me in an egregious manner.

- There was an inherent unfairness in the reporting. Facts provided directly to the reporter and to the producer did not make it to the broadcast. My refusal to go on camera was specifically as I did not trust the reporter and, as I told the reporter, I am a small businessman who works outside the broadcast world and am uncomfortable in going before a camera, but instead gave a full interview and answered all questions. However, nothing I provided made it to the broadcast. I assert that this was because information I provided did not meet the goals of the broadcaster.

The people should be entitled "to know what is happening" in order that "they may form their own conclusions". The public was not provided this entitlement, breaching the requirement to provide a "full, fair and proper presentation of [the] news." One clear example was by choosing to report that the previous technician who worked on the furnace no longer worked for my company. The reporter came to my office and stated that the technician had been fired. This information was completely inaccurate. However, whether or not the technician still worked for my company was irrelevant and only made it to the broadcast as it furthered the agenda of the reporter to paint my company in a bad light. It was reported that the complainant was told that the technician

no longer worked there. The manner in which it was reported gave the clear conclusion to the public that there was wrongdoing on the part of the technician as it related to this customer and he was subsequently let go.

As a member of the public, I had some expectation that there is an obligation by the broadcaster to present my point of view fairly. Instead, the manner in which even the visual broadcast was given was an effort to paint me and my company as uncooperative.

- For example, the complainant indicated that each time she contacted the office she was unable to reach me, the owner. The story that was broadcast did not report that I was in fact out of town and that the complainant did speak to someone else acting on my behalf. Thus, the relevance of reporting that information and not including that contact had been made with my representative had no place in the story except to further the broadcaster's bias.
- Instead, the broadcaster supported this image of my company's refusal to cooperate and inaccessibility by then also reporting that an on-air interview was declined.
- The broadcaster then taped me through the exterior door talking to the reporter. This was done without my knowledge. However, by linking this footage of me through the door painted this as an "undercover" sting, catching the "bad-guy" who is out to hurt elderly women, refuses to give an on-air interview, unwilling to meet with the complainant. There was no fairness in this reporting. I was painted as guilty as the broadcast did not provide a balanced report.
- The broadcaster was acting for the complainant. I asked the broadcaster if it was their intent to act now in the place of the legal process in the province for when people reach disagreement in a business transaction (i.e. small claims). They of course indicated no. However, their broadcast was clearly one-sided reporting with their undenied effort to portray this as an elderly grandmother being mistreated by my company and, more directly, by me.
- The fact that the producer asked me pre-broadcast if I was going to reimburse the customer [showed] that the intent and subsequent broadcast was not fair.
- I thought that I was given fair opportunity to comment in order to help provide this balance. However, nothing I said to the reporter or producer made it to the broadcast except to say that I declined an on-air interview. This supported the story of an unethical business man.
- The broadcast chose instead to use the image of 'clandestine' investigative techniques such as camera work through a glass door which served no purpose other than to support the view of an uncooperative, unscrupulous businessman. This was not balanced with any report that, while I declined an on-camera interview, I did agree to an interview with the reporter and a balanced reporting next to the comments of the complainant.

I contend that the broadcaster demonstrated bias, mixing of news, editorial comment, distortion and sensationalization. As a viewer, I find it astounding that a "freedom of the press" carries with it this power to simply decide to report a story in any manner they choose with a disregard for balance and truth. I equally find it frightening that freedom of the press carries with it the ability to report as it chooses without regard for the impact on an individual's reputation and the reputation of its company.

There was much more to the story than was broadcast. This was not about an elderly grandmother who was being mistreated by an unscrupulous businessman but they chose to report it that way. This was a simple disagreement between a customer and supplier/serviceman. The complainant did not like the answer given by my representatives and CTV was ready to go on air with a story because of the age of the woman.

The age of the complainant only mattered to the story if the story was about a pattern of mistreatment of elderly people by me or my company or if the broadcaster was reporting that this only happened because the customer was an elderly grandmother. The question is [would] this story would have been reported had the complainant been a 30-year-old man? If the answer is yes, then the age of the person should never have been brought into it.

The story was further sensationalized in having the complainant report about calling 911 and having the 911 dispatcher ask her if she needed an ambulance. How this had any relevance to the story is confusing. I will explain my confusion:

- What was reported was not that my company had done sloppy work in August 2012 (though this is suggested by reporting that the technician is no longer working for me).
- The issue is that the complainant hired someone else to come in a month later following an incident with her furnace and she wanted to be reimbursed for one of the invoices: August 2012 paid to my company; or September 2012 paid to my competitor.
- Had we reimbursed her for what she paid to our competitor then there would be no story.

I contend that the news as broadcast was inaccurate and with bias and editorial[izing]. The news as broadcast was for the purpose "on the basis of the beliefs, opinions or desires of management, the editor or others engaged in its preparation or delivery" [sic]. When I called the producer to voice my concerns pre-broadcast, he asked me if I was going to reimburse the complainant. This interest is, in my opinion, outside the scope of fair and unbiased reporting.

I want to be very clear that I do not expect any broadcast to balance the story by saying nice things about me or my company. The balance I was looking for was by providing all of the facts, an objective and fair news report leaving it up to the viewers to reach their own conclusions. CTV Sudbury did not do this.

I believe that CTV Sudbury violated the following Articles:

ARTICLE ONE (Accuracy)

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

ARTICLE TWO (Equality)

Electronic journalists will report factors such as race, national or ethnic origin, colour, religion, sexual orientation, marital status or physical or mental disability only when they are relevant.

ARTICLE THREE (Authenticity)

Electronic journalists will present news and information without distortion. Interviews may be edited provided that the meaning is not changed or misrepresented. Electronic journalists will not present news that is rehearsed or re-enacted without informing the audience. Newsrooms should take steps to ensure the authenticity of all video and audio, including news material acquired from the public, freelancers and other sources before disseminating/broadcasting it. Editorials and commentary will be identified as such.

ARTICLE FOUR (Privacy)

Electronic journalists will respect the dignity, privacy and well being of everyone with whom they deal, and will make every effort to ensure that newsgathering and reporting does not unreasonably infringe privacy except when necessary in the public interest. Clandestine newsgathering techniques should only be used when necessary to the credibility or accuracy of a story in the public interest.

ARTICLE EIGHT (Decency and Conduct)

Electronic journalists will treat people who are subjects and sources with decency. They will strive to conduct themselves in a courteous and considerate manner, newsgathering as unobtrusively as possible. They will strive to prevent their presence from distorting the character or importance of events.

I realize that who I am matters not in the broadcast world and certainly does not factor into my complaint. However, I have to add that, as a hardworking, respected businessman, someone who volunteers hundreds of hours of my time to community events, I am dismayed by the lack of integrity in the local news reporting that can, in an instant, damage all my efforts in building a reputation that is founded on my personal values of fairness and honesty. For CTV to have the benefit of telling a story that they set out to tell in the way they wanted to tell it, there is a personal cost to me and a cost to my business in the thousands of dollars in lost revenues. Again to be clear, I want news to be told even when there is an impact. I just expect fairness and integrity.

In the volunteer work I do, I saw CTV Sudbury do a story in a similar way. They decided they wanted to report a story in a certain way and did not let the facts get in the way. The volunteer board did not take their complaint up to the CBSC as simply they did not research their options. They simply complained to CTV directly without proper response. However, we saw similar efforts in their broadcast to paint a story in the direction they wanted.

They did not provide a balanced report; they exploited a person with an acquired brain-injury for the purpose of telling their story, and did not reach out to the not-for-profit community event an opportunity for an interview. They simply broadcast.

I tell you this story to highlight the inherent risks to the public. I refused to provide an on-camera response, as stated, not only for my fear and lack of experience in this regard but also because of my lack of trust in the local news provider fed significantly from the events described above.

If someone refused an on-camera interview, this, as in my case, is used to portray them negatively. If they provide an interview, what they said is not used. There is no winning.

If they provide an on-camera interview, there is the risk in the face of obvious bias by the reporter that edits will be used to further his story and not support the facts. I believe my decision to decline an on-air interview was the right one and supported by the bias and editorializing in the broadcast. As stated, there is no winning.

My family no longer watches the local CTV news. I have not fully trusted CTV Sudbury since the incident through my volunteer work described above. This example now cements my regard for CTV news.

This is very disturbing.

Broadcaster Response

The station responded with a letter dated January 4, 2013:

We are in receipt of a copy of your letter of complaint to the Canadian Broadcast Standards Council (CBSC) regarding our story of November 28, 2012. We are pleased to have the opportunity to address your concerns.

You state, in the opening line of your letter, that the report was “biased”. We at CTV News strongly disagree. The details of the encounter between your company ([company name]) and the Tosato family are laid out in our report in a straightforward and factual manner. As well, as referenced below, you were given the opportunity to provide your position and your comments were included in the report.

You state in your letter that we “played up” the fact that Gina Tosato is a grandmother to “garner sympathy” from the audience. In fact, Ms. Tosato’s status as grandmother was mentioned once only, in the opening line of the intro. This was not done to garner sympathy, but strictly to provide the audience with a quick sketch of the central character in the story. We could have said “an elderly Sudbury woman” or a “Sudbury senior citizen” or some other combination of words. Throughout the story, Ms. Tosato is referred to simply as “Gina Tosato, Homeowner”.

You also objected to the term “furnace fiasco”. The term was intended to refer to the sequence of events that occurred in Ms. Tosato’s home – the ringing alarm, the black soot spewing from her furnace, the visit by the fire department, and the official report, which found “dangerously high” levels of potentially lethal carbon monoxide in the residence. These events all occurred the first time the furnace came on, about a month after you serviced it. Any homeowner faced with a similar situation might reasonably describe it as a “fiasco”.

You state in your letter that the customer signed a box acknowledging that “the work was completed to our satisfaction”. We are sure you understand that it is common for customers to sign such forms acknowledging that a service visit took place. However, we assume that you’re not suggesting that Ms. Tosato had the tools or training to verify the safety or status of her own furnace.

You suggest in your letter that CTV was trying to “broker” a deal on behalf of the Tosato family. This is not the case. We came to your office seeking your position, which is our responsibility as journalists. The Tosatos indicated to us that they tried for five weeks to reach you. You acknowledge in your complaint that you were not available through much

of September and October. Perhaps it was just bad timing, but the Tosatos clearly felt they were getting the brush-off, and turned to us out of frustration. We listened to their concerns. We also listened to your side of the story. Ben Mercer spent approximately 30 minutes speaking with you. I spoke with you for an additional 30 minutes that same afternoon. Your comments were included in the report, despite your decision not to participate in an on-camera interview.

We at CTV News believe our report was fair and balanced and included the facts as provided to us. Some of the “facts” that you reference in your complaint were never provided to CTV. For instance, you state in regards to the second contractor, “He cleaned the unit and found no fault or breakdown with the unit or negligence on [the first company’s] part.” Such information was never conveyed by you or the second contractor to CTV.

CTV is a member in good standing of the CBSC and adheres to its Codes and guidelines. We believe this report was fair and accurate and in accordance with the Codes administered by the CBSC.

Additional Correspondence

The complainant filed his Ruling Request on January 16:

I maintain that CTV was biased and that the story was not reported, as [CTV News Executive Producer] states, in a straightforward and factual manner.

The CTV reporter demonstrated a clear bias and did not make the necessary efforts to ensure that his story was reported accurately. “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.” This reporter, supported by his producer, decided to report an angle for the purposes of sensationalizing and at the cost of the facts.

The reporter and cameraman met with the complainant first. This is not an issue. One would anticipate that any story would begin with first hearing from the complainant.

However:

- It was evident from the moment the CTV reporter arrived at my place of business that he had already determined the direction that the story was going before he had actually conducted any semblance of a balanced investigative inquiry. He came in my office, slapped invoices down on the counter and began to question in a manner that I can only describe as accusing.
- The reporter quickly raised the fact that this story was about an 87-year-old woman, although the relevance of the homeowner’s age or gender had no bearing on whether the homeowner’s furnace was properly or improperly serviced. It did demonstrate, however, the reporter’s efforts in sensationalizing the story he wanted to report – that an “87-year-old grandmother” had been mistreated. This was an effort by the reporter to make the story more provocative than the facts would have ever supported. Contrary to the written

response by the broadcaster, the broadcast references the consumer as a **senior**, a **grandmother** and an **87-year-old**.

- I spoke to him for about 30-45 minutes standing inside my office.
 - I took the time and showed him the steps taken by the technician (cleaning, performing and documenting a combustion analysis; providing a copy of this analysis for the customer).
 - I explained that the documentation that reports the functioning of a furnace is a snapshot in time. It captures the functioning of the furnace at the time the technician conducted performance testing.
 - I explained a variety of potential causes for oil furnace incidents after a cleaning but the reporter failed to report on this.
 - The reporter also failed to investigate the actual cause of the furnace incident. One that I had suggested as an often cause was if the homeowner's oil tank had been refilled prior to the malfunction. I had told the reporter that this stirs up sediment at the bottom of the tank which then clogs the filter.
 - None of this information made it to the broadcast.
- The reporter in his voice-over in the broadcast stated that I declined to do an interview. He did not state that I declined an on-camera interview. He stated that I declined an interview. [CTV News Executive Producer] in his letter references the time I spent meeting with his reporter. The broadcast itself tapes me (without my permission or knowledge) having that interview.
- CTV's letter states that they were not told by the second contractor or by [the first furnace company] that the second contractor found no fault or negligence on the part of [the first company]. Yet, in the same letter, CTV states that they came to my office seeking my position which is their "responsibility as journalists".
 - As responsible journalists, why did the reporter not ask the second contractor that very question as to what failed in Ms. Tosato's furnace?
 - Although I explained potential reasons a furnace can fail, this was not reported on nor was an effort made to find out why the furnace failed. Why did the reporter choose instead to clearly lay the responsibility for the 'furnace fiasco' and 'furnace nightmare' as the responsibility of my company?
 - Why did they not take the time to consult with an industry expert or a qualified third party?
- CTV's letter states that the furnace troubles began the "first" time the furnace was used after the cleaning. However, as the second contractor determined from his service, the filter was plugged and this could only happen if the furnace had been running for some time (more than one day). However, again, the report failed to "investigate" the cause because he had decided what the story was going to be before he "dropped in" at my office.

- In an effort to explain to him the various problems that can affect an oil furnace after a technician works on a unit, I used several examples of instances that can interfere with the functioning of an oil furnace. He responded flippantly by stating, "so this little old lady went downstairs and drop-kicked the furnace". He also made the comment to the effect, "an 87-year-old woman tinkered with her furnace". These comments again demonstrated that the reporter was biased in his reporting, having decided that the issue was that the furnace owner was an 87-year-old grandmother and an unscrupulous business owner.
- It was fully my expectation that he would report on information I provided to him. However, it was only after he left that I realized that he had not been taking any notes. If his intent was to report in an unbiased manner, how can an interview lasting 30-45 minutes long be achieved without benefit of note taking? How can CTV claim to have included my comments in the report?
- At the same time, the complainant had the benefit of many comments, and supplemented by CTV editorial comments, most of which had no relevance to this story and were reported and repeated for sensationalization only (example: Being given the "run-around" stated once by CTV and another time by the complainant; 911 call; asked if she needed an ambulance; etc.).
- He had already decided that there was a story prior to having made any contact with personnel in the office as is evident by the fact that footage of the exterior of the office and exterior signage was taken before speaking to me. Would a journalist not first make an effort to determine if there was in fact a story by first investigating?
- I met with him freely, openly and in a respectful manner at my place of work. However, I was not met with the same degree of respect. He was argumentative, countered every comment I made with a judgment or accusation, making it increasingly clear to me that there was a clear agenda on his part and it did not involve a balanced inquiry.
- He challenged me about the call the complainant alleges she made to my office after-hours. I explained that the office would have been closed at 8:00 pm, the time the complainant reportedly called. I advised him that all calls at that time are answered by an answering service contracted by the company to handle calls after hours and on weekends. He continued to assert that someone at my office had advised the complainant to call a competitor. He clearly did not accept that the company the complainant called was in fact a competitor and continued to challenge me in the relationship I had with this competitor – that he was an employee or a subcontractor. He then threatened to access the phone records at the call centre stating that "legally he could get the phone records". The CTV broadcast did report that I denied providing this contractor's name to the complainant (1 of only 4 comments reported) but at the same time they also continued to report that the contractor sometimes does work on behalf of [the first company] thus giving the viewer the same "message" the reporter came into my office with – that he did not believe that we did not give this name to the complainant.
- I appreciate that on occasion there may be a need for an aggressive interview style particularly when a person being interviewed is being difficult. However, there was nothing in my disposition that invited this approach. By his own

broadcast, he “dropped in” to my office unannounced. I did not ask him to leave my premises and, in fact, as agreed to by CTV, I continued to speak to him for 30-45 minutes. Again, it was clear that he was only interested in what supported his theory and the story he wanted to tell.

Editorializing

- The CTV story teaser or tag at the opening of the news broadcast opened with “FURNACE NIGHTMARE” then the story opened with "FURNACE FIASCO". The use of the term “fiasco” and “nightmare” was not a description credited to any source but rather was the teaser introduction made by the news anchor. This situation was simply and clearly a furnace malfunction. In his letter, [CTV News Executive Producer] states that this was referencing the events in the complainant’s home, stating that “any homeowner faced with a similar situation might reasonably describe it as a fiasco”.
- CTV chose other adjectives to sensationalize the story: chimney spewing smoke; shrieking smoke alarm. Again, if the story was about this customer not being reimbursed then these details were irrelevant. If we had reimbursed the customer for one of the invoices right after the incident, would CTV reported this story? We suggest no, that they would not have as the story was not about shrieking smoke alarms and chimneys spewing smoke or conversations with the 911 operator but rather about the judgment they reached that the customer should have been reimbursed.
- Nowhere in the broadcast was any comment identified as editorializing: furnace fiasco, furnace nightmare, shrieking smoke alarm, spewing smoke not credited to the complainant but rather said in voice-over only.

After the reporter left, I contacted [CTV News] Executive Producer.

- [CTV News Executive Producer] referenced this story, just as Mr. Mercer did, as being a story about an elderly grandmother. I assert that in order for the complainant’s age and gender [to] have any relevance would be only if the story was reporting about several complaints demonstrating a pattern of treatment by my company of elderly women. Rather, the local CTV heard about a complaint involving an elderly woman and decided to report on it choosing to paint my company and more in particular, paint me, in an egregious manner.
- There was an inherent unfairness in the reporting. Facts provided directly to the reporter and to the producer did not make it to the broadcast. My refusal to go on camera was specifically because I did not trust the reporter. As well, I told the reporter that I am a small businessman who works outside the broadcast world and am uncomfortable in going before a camera but instead I gave a full interview and answered all questions. However, very little I provided made it to the broadcast and what did make it to the broadcast was brief and to my detriment because of how they chose to report it. I assert that this was because information I provided did not meet the goals of the broadcaster.

The people should be entitled "to know what is happening" in order that "they may form their own conclusions". The public was not provided this entitlement, breaching the requirement to provide a "full, fair and proper presentation of [the] news."

- One clear example was by choosing to report that the previous technician who worked on the furnace no longer worked for my company. The reporter came to my office and stated that the technician had been fired. This information was completely inaccurate (the ironic thing is that this technician gave six months notice so that he could move back home to care for his elderly mother).
- However, whether or not the technician still worked for my company was irrelevant and only made it to the broadcast as it furthered the agenda of the reporter to paint my company in a bad light. It was reported that the complainant was told that the technician no longer worked there. The manner in which it was reported gave the clear conclusion to the public that there was wrongdoing on the part of the technician as it related to this customer and he was subsequently let go (we know that this is the understanding that people we spoke to took from the broadcast). What other purpose did the broadcaster have in reporting that the technician no longer worked at my company? It had no relevance to the story other than serving the broadcaster's agenda.

As a member of the public, I had some expectation that there is an obligation by the broadcaster to present my point of view fairly. Instead, the manner in which even the visual broadcast was given was an effort to paint me and my company as uncooperative.

- The complainant indicated that each time she contacted the office she was unable to reach me, the owner. The broadcast reported that the complainant tried for "five weeks to reach the owner". The broadcast certainly gave the viewer the impression that the complainant did not speak to anyone and that I was avoiding them. The story that was broadcast did not report that I was in fact out of town and that the complainant did speak to someone else acting on my behalf and had received an explanation and decision on her claim. The reporter and [CTV News Executive Producer] were both advised that I was away and that the complainants, in my absence, spoke to a representative acting on my behalf. The person they spoke with, in my absence was "the boss". Thus the relevance of reporting that information and not including that contact had been made with my representative had no place in the story except to further the broadcaster's bias and paint me and my company in a negative light.
- The complainants were unhappy with the response and this is what prompted the call to CTV. However, the broadcast certainly suggests that I, the owner, was avoiding the complainants and that they were never provided with a response from the company. Mr. Mercer's broadcast enforces this message when he then reports "I dropped in....and found the owner". This, in my view, also speaks to the direction the reporter took to emphasize the "angle" of his story.
- Should it just be a coincidence that the first time CTV showed up I just happened to be there and obviously not giving the run-around or avoiding them? The report sounded as if the reporter found me. I was not hiding, but in fact only away from the business all the while leaving my representative in charge
- Many companies are not owner-operated. A customer with a complaint most often can only speak to those managing the business, not the owner. Ms. Tosato did speak to the "boss" just as I am now by going through this process and not speaking directly to the Board of Directors for Bell Media. Mr. Mercer made the Tosatos' inability to reach me a factor in this story, again demonstrating the agenda held by Mr. Mercer.

- Instead the broadcaster reported that the complainant was given the 'run-around' (but did not identify this as an editorial) and then aired a comment by the complainant stating that she was given the 'run-around'. The complainant contacted the office; voiced the complaint; was provided an answer; but did not like the answer she was given. The reporter was told that I was out of town at the time of her inquiries but that she spoke to a company representative on my behalf. Is this a 'run-around'?
- Instead, the broadcaster supported this image of my company's refusal to cooperate and inaccessibility by then also reporting that I declined an interview, fueling this image even further.
- The broadcaster then taped me through the exterior door talking to the reporter. We can be faintly heard through the glass, speaking. This was done without my knowledge or permission. However, by linking this footage of me through the door painted this as an "undercover" sting, catching the "bad-guy" who is out to hurt elderly women, gives elderly women the run-around, refuses to give an interview, unwilling to meet with the complainant. There was no fairness in this reporting. I was painted as guilty as the broadcast did not provide a balanced report and incorrect information was broadcast.

The broadcaster was acting for the complainant. I asked the broadcaster if it was their intent to act now in the place of the legal process in the province for when people reach disagreement in a business transaction (i.e. Small Claims). They of course indicated no. However, their broadcast was clearly one-sided reporting with their undenied effort to portray this as a "senior, 87-year-old grandmother" being mistreated by my company and, more directly, by me. The reporter also referenced being able to get my phone records to use against me which also indicated him taking a legal position.

The fact that the reporter and the producer each asked me pre-broadcast if I was going to reimburse the customer demonstrates a bias. I advised the producer that by reimbursing the customer it would indicate that we had done something wrong which we did not and that it felt like 'hush money' – reimburse and the story goes away. The reporter, in front of witnesses, also tried to broker a deal with me asking if we would refund either of the calls to the customer.

In his letter, [CTV News Executive Producer] denies that CTV was trying to "broker" a deal on behalf of the Tosato family; however, at the same time, his letter does not explain why both Mr. Mercer while at my office, and [CTV News Executive Producer] when I telephoned him, both asked if I would reimburse Ms. Tosato. Under what "journalistic responsibility" did this fall? Why did it matter? Would CTV still have reported on this story had I reimbursed Ms. Tosato on my return to the office? After she had spoken to CTV? After Mr. Mercer had been to my office? This was reported as a news story, not an exposé on underhanded businesses in the heating industry.

I thought that I was given fair opportunity to comment in order to help provide this balance. However, little I said to the reporter or producer made it to the broadcast except to say that I declined an on-air interview. What was reported was brief and only used to reinforce the reporter's position (e.g. "don't guarantee cleanings"). This supported the story of an unethical businessman the reporter wanted to tell.

The broadcast chose instead to use the image of "clandestine" investigative techniques such as camera work through a glass door which served no purpose other than to

support the view of an uncooperative, unscrupulous businessman. This was not balanced by reporting that I declined an on-camera interview but that I did agree to lengthy interview with the reporter. This was not balanced in that: it was not followed with actually reporting some of my comments next to the comments of the complainant; only reporting four very brief comments from more than 60 minutes of discussion with the reporter and producer; and only choosing comments that furthered the agenda of the station.

[CTV News Executive Producer] defends the references to the complainant's age by claiming that the broadcast only made one reference and that was "grandmother". However, he is mistaken. The opening to the news broadcast; in the opening sequence to the story; and in the story itself referenced her by her age category on three occasions: 1. senior; 2. grandmother; 3. 87-year-old. As stated previously, her age and gender had no bearing on this story.

[CTV News Executive Producer] further writes that referencing her as a grandmother was "not done to garner sympathy but strictly to provide the audience with a quick sketch of the central character in the story". Firstly, I think in this descriptor, he just defined how to "garner sympathy" in any storytelling – by building your "characters" so that a viewer/reader can relate. It makes a story more compelling. Otherwise, why not just report that this involved a Sudbury homeowner? Why is any other descriptor necessary?

Further to this, those involved in this story are not "characters". The news features people, not characters and the use of this term is a clear demonstration of their goal to create a narrative to a story, not report the news.

In describing Ms. Tosato as the "central character", they have demonstrated their bias. By describing Ms. Tosato as the "central character" in a news story, they have shown their bias in creating a narrative where Ms. Tosato is the protagonist. Ms. Tosato described as the central character only then leaves me to be the antagonist. Their use of this language shows that, even after the fact, in defending their stance in the story, they are still working with the bias from which they started.

Did the broadcast not make an effort to make me a "character" but without the benefit of a 'sketch'? I could have been described as a senior; I could have been identified as the owner of a small, locally-owned business; or as a longstanding volunteer in this city; as a husband and father; as someone with almost 40 years in the industry; but none of these, I would argue, should be included as they are not pertinent to the news. Why then were her descriptors, also irrelevant to the story, not also left out?

I contend that the broadcaster demonstrated bias, mixing of news, editorial comment, distortion and sensationalization. As a viewer, I find it astounding that "freedom of the press" carries with it this power to simply decide to report a story in any manner they choose with a disregard for balance and truth and accuracy. I equally find it frightening that freedom of the press carries with it the ability to report as it chooses without regard for the impact on an individual's reputation, the reputation of its company, the impact on a person's livelihood, simply to get the story they want to get and ignore the facts along the way.

There was little to the original story. This was not about an 87-year-old grandmother who was being mistreated by an unscrupulous businessman but they chose to report it that way. This was a simple disagreement between a customer and supplier/serviceman. The complainant did not like the answer given by my representatives and CTV was ready to go on air with a story because of the age of the homeowner.

The age and gender of the complainant only mattered to the story if the story was about a pattern of mistreatment of elderly women by me or my company *or* if the broadcaster was reporting that this only happened because the customer was an elderly grandmother. The question to ask is if this story would have been reported had the complainant been a 30-year-old man? If the answer is yes, then the age of the person should never have been brought into it.

The story was further sensationalized in having the complainant report about calling 911 and having the 911 dispatcher ask her if she needed an ambulance. How this had any relevance to the story is confusing. I will explain my confusion:

- The story is about a homeowner unhappy with the service she received and disputing her bill. Would CTV [have] reported on her story if the fire department had never attended? I suggest not.
- If Ms. Tosato had contacted my office and in fact been reimbursed right away, would CTV still have reported on this story? I suggest not.
- Had Ms. Tosato reached my office that evening and we had attended at no charge, would CTV have reported on this story? I suggest not.
- It was not reported that my company had done sloppy work in August 2012 (though this is suggested by reporting that the technician is no longer working for me), therefore the linking of sloppy work with a call to the fire department was not made.
- The issue is that one month after having her furnace serviced, the complainant hired another company to come in following an incident with her furnace and she wanted to be reimbursed for one of the invoices: August 2012 paid to my company; or September 2012 paid to my competitor. So the report was about not being reimbursed.

The story had nothing to do with what a 911 dispatcher had asked the homeowner but, by including this information, Mr. Mercer intended to make his story – a common boring story experienced by many homeowners involving a dispute with a contractor – more provocative.

After the interview with CTV, I contacted the second contractor and discovered two key issues which the reporter should have discovered if he was conducting balanced journalism:

- The second contractor advised the customer that they should be calling [the first company] back to repair and that if they wanted him to repair the unit [then] they would have to pay his company. They chose to have him repair the unit.
- The second contractor found no working problem with the unit other than the filter being plugged, indicating that the unit had been run for a significant period of time of more than just one day.
- The second contractor explained to the homeowner how these malfunctions can occur at the fault of no one.

In his letter, [CTV News Executive Producer] states that they were not in possession of some of the “facts” I referenced. However, I made one simple call to the second contractor and was able to learn in one question what was wrong with the furnace. This information would have immediately demonstrated that the furnace had been running prior to that incident and after the cleaning. It would have demonstrated that my company was in no part responsible. However, CTV chose to not investigate and instead report without the facts.

Given that the incident involving Ms. Tosato’s furnace occurred in September 2012, there was no urgency in reporting this story and CTV could have taken the additional time to properly investigate the story, that is, if there was a genuine desire to report factually. But there wasn’t.

I contend that the news as broadcasted was inaccurate and with bias and editorial. The news as it was broadcasted was for the purpose "on the basis of the beliefs, opinions or desires of management, the editor or others engaged in its preparation or delivery" [sic]. When I called the producer to voice my concerns pre-broadcast, he asked me if I was going to reimburse the complainant. This interest is, in my opinion, outside the scope of fair and unbiased reporting.

I want to be very clear that I do not expect any broadcast to balance the story by saying nice things about me or my company. The balance I was looking for was by providing all of the facts, an objective and fair news report, leaving it up to the viewers to reach their own conclusions. CTV Sudbury did not do this.

I believe that CTV Sudbury violated the following Articles: (examples given are just some samples and do not capture all laid out above)

ARTICLE ONE (Accuracy)

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

- Inaccurate reporting that complainant was given the run-around by not reporting equally that they met and spoke to representatives of the company.
- Failing to determine from the second contractor what was wrong with the furnace and possible causes.
- Portrayed the company and its owners as being unavailable, and uncooperative and using as contrast references to dropping in and “finding the owner” who then declined an interview. Supporting this portrayal with clandestine recording.

ARTICLE TWO (Equality)

Electronic journalists will report factors such as race, national or ethnic origin, colour, religion, sexual orientation, marital status or physical or mental disability only when they are relevant.

- Age not relevant though complainant described as 87, senior, and grandmother in the broadcast.
- Gender not relevant to the story.

ARTICLE THREE (Authenticity)

Electronic journalists will present news and information without distortion. Interviews may be edited provided that the meaning is not changed or misrepresented. Electronic journalists will not present news that is rehearsed or re-enacted without informing the audience. Newsrooms should take steps to ensure the authenticity of all video and audio, including news material acquired from the public, freelancers and other sources before disseminating/broadcasting it. Editorials and commentary will be identified as such.

- Taping me surreptitiously through the exterior glass door without my knowledge created a distorted slant to the story and my image.
- Taping me through the door while reporting that I gave the complainant the run-around, that the reporter “dropped-in and found the owner” fed the image of an owner who was trying to hide.
- Reporting that the technician no longer works at my company in the context by which it was reported provided further distortion.

ARTICLE FOUR (Privacy)

Electronic journalists will respect the dignity, privacy and well being of everyone with whom they deal, and will make every effort to ensure that newsgathering and reporting does not unreasonably infringe privacy except when necessary in the public interest. Clandestine newsgathering techniques should only be used when necessary to the credibility or accuracy of a story in the public interest.

- As noted above, taping me through my exterior glass door without my knowledge infringed on my privacy.
- Taping me on my private property through the door after I refused an on camera interview may have been an illegal act.
- Although the broadcaster found it important enough to secretly capture pictures of me on camera while I was speaking to the reporter, and air these shots, they did not assign equal importance to what I was telling the reporter.
- The broadcast aired images of me through a door at the same time they were reporting that I had declined an interview.
- Taping through the glass without my knowledge demonstrated admission of a dishonest act. The cameraman did not set up the camera. He seemed only to be holding the camera waiting outside for the reporter all the while sneakily filming our conversation after my refusal of an interview.
- They reported in the broadcast that I declined an interview; however, they acknowledge interviewing me for 45 minutes. What I declined was an on-camera interview.

ARTICLE EIGHT (Decency and Conduct)

Electronic journalists will treat people who are subjects and sources with decency. They will strive to conduct themselves in a courteous and considerate manner, newsgathering as unobtrusively as possible. They will strive to prevent their presence from distorting the character or importance of events.

- As noted, the reporter was combative, rude, aggressive and even at one point threatening to take legal actions to obtain access to files. None of this was necessary.

I realize that who I am matters not in the broadcast world and certainly does not factor into my complaint. However, I have to add that as a hardworking, respected businessman, someone who volunteers hundreds of hours of my time to community events, that I am dismayed by the lack of integrity in the local news reporting that can, in an instant, damage a reputation that is founded on personal values of fairness and honesty. For the benefit of sensationalizing a story without benefit of facts, CTV told a story that they set out to tell in the way they wanted to tell it. But there is a personal cost to me and a cost to my business in the thousands of dollars in lost revenues. Again to be clear, I want news to be told even when there is an impact. I just expect fairness and integrity.

I am dismayed by the abuse of power that we give to media. I value the power of the media to tell a story. I believe in the need for journalistic integrity and the need to report the facts without pressure from any side. I don't believe that CTV or Mr. Mercer achieved a respectable level of journalistic integrity in this story.

In the volunteer work I do, I saw CTV Sudbury do a story in a similar way. They decided they wanted to report a story in a certain way and did not let the facts get in the way. We saw the same efforts in their broadcast to paint a story in the direction they wanted the story to go even when it was not backed up by facts.

The volunteer board did not take their complaint up to the CBSC as simply they did not know their options. They simply complained to CTV directly without receiving a proper response. CTV did not advise the volunteer board of the CBSC process and the matter ended without resolution. However, they did not provide a balanced report; they exploited a person with an acquired brain-injury for the purpose of telling their story, and did not reach out to the not-for-profit community event an opportunity for an interview. They simply broadcasted. Should there not be a responsibility of the media to advise the general layperson, people who work outside of this domain, of other avenues by which to address their complaints?

I tell you this story to highlight the inherent risks to the public. I refused to provide an on-camera response as stated not only for my fear and lack of experience in this regard but also because of my lack of trust in the local news provider fed significantly from the events described above.

If someone refused an on-camera interview, this, as in my case, is used to portray them negatively. If they provide an interview, what they said is not used. They agree to an interview but decline an on-camera [one] but it is reported that they declined an interview. There is no winning. If they provide an on-camera interview, there is the risk in the face of obvious bias by the reporter that edits will be used to further his story and not support

the facts. I believe my decision to decline an on-air interview was the right one and supported by the bias and editorializing in the broadcast. As stated, there is no winning.

My family no longer watches the local CTV news. I have not fully trusted CTV Sudbury since the incident through my volunteer work described above. This example now cements my lack of regard and trust for Sudbury CTV news and its lack of journalistic integrity.

What occurred is very disturbing and shameful.