

Meeting People

ANNUAL REPORT 2004
THE OMBUDSMAN DE MONTRÉAL



Legal Deposit - Second Quarter 2005
Library and Archives Canada
Bibliothèque et Archives nationales du Québec
ISSN: 1929-7211 (Print)
ISSN: 1929-722x (Online)
ISBN: 978-2-7647-1142-2 (Print)
ISBN: 978-2-7647-1144-6 (Online)



275 Notre-Dame Street East, Suite R-100
Montréal, Québec H2Y 1C6
Telephone: (514) 872-8999
Fax: (514) 872-2379
Email: ombudsman@ville.montreal.qc.ca

March 22, 2005

Mr. Marcel Parent,
City Council President
City of Montréal
275 Notre-Dame Street East, Suite R-134
Montréal, Québec H2Y 1C6

SUBJECT: Annual Report of the **OMBUDSMAN DE MONTRÉAL** for the Year 2004

Mr. President,

I am pleased to present the City Council with the Annual Report of the **OMBUDSMAN DE MONTRÉAL** for the year 2004, which hinged on the theme of *"Meeting People"*.

The year 2004 was a productive one, both for the securing of excellent collaborative relationships with the vast majority of City representatives as well as for the expansion of our profile with the population we serve. There were about 2.5 times more files submitted to us in 2004 than in 2003.

The **OMBUDSMAN DE MONTRÉAL**'s team also grew, in particular with the hiring of Me Marjolaine Therrien as Deputy Ombudsman and the creation of a technician/investigator position.

In the 2004 Annual Report, you will find information on the requests that were submitted to us in 2004, including statistics on the number of files handled, the nature of the subjects addressed, the boroughs and/or departments concerned, and the decisions or recommendations that resulted.

If the City Council so desires, I would be pleased to respond to any question or request for further information. My team and I are well underway for the year 2005, for which we have adopted the theme and the sincere wish to be *"At the heart of the community"*.

I hope you find this report satisfactory in all respects.

Cordially,

Me Johanne Savard,
OMBUDSMAN DE MONTRÉAL

TABLE OF CONTENTS

Presenting the OMBUDSMAN DE MONTRÉAL	7
Report of the OMBUDSMAN DE MONTRÉAL	11
The Mandate of the OMBUDSMAN DE MONTRÉAL	11
The Mission of the OMBUDSMAN DE MONTRÉAL	12
An Independent and Apolitical role	12
Accomplishments of the OMBUDSMAN DE MONTRÉAL in 2004	13
1. Structure and Organization	13
A Personalized Service	13
A Confidential Service	13
A Bilingual Service	13
A Growing Team	13
A Humane and Humanitarian Approach	13
A New Logo for 2005	14
A New Computerized File Management System	14
2. Increased Visibility for the OMBUDSMAN DE MONTRÉAL	14
3. Networking with Outside Organizations	16
4. Media Coverage	16
5. Training Given and Followed	17
6. Conferences and Symposiums	17
Action Plan for the OMBUDSMAN DE MONTRÉAL in 2005	18
1. Structure and Organization	18
2. <i>Montréal Charter of Rights and Responsibilities</i>	18
3. Raising Public Awareness of Our Service	18
With Citizens and Community Groups	18
Via a New Website	19
Within the City	19
Among Other Organizations offering Similar Services to Citizens	19
With Ombudsman's Organizations	19
Files Handled by the OMBUDSMAN DE MONTRÉAL in 2004	20
Case number 1	21
Case number 2	24
Case number 3	25
Conclusion	26
Statistics – Files Handled	29
Table 1 Subjects of Complaints	29
Table 2 Subjects Related to Borough Jurisdiction	30
Table 3 Subjects Related to Central Services Jurisdiction	31
Table 4 Files Concerning Paramunicipal Agencies or City-Controlled Corporations or other Organizations or Agencies	32
Table 5 Delay in Handling of Files Received in 2004	33
Table 6 Results	34

PRESENTING THE OMBUDSMAN DE MONTRÉAL



Me. Johanne Savard,
OMBUDSMAN DE MONTRÉAL

Education and professional experience

After having studied political science at Concordia University, in 1979, Me Savard received her law degree from the Université de Montréal. She became a member of the Barreau du Québec in 1980. For a year, she worked with the judges of the Québec Court of Appeal, after which she began exercising her profession.

In 2003, Me Savard left private law practice to become the first
OMBUDSMAN DE MONTRÉAL.

Expertise

For 23 years, Me Savard has acted as a legal advisor in all areas related to employment law and labour relations.

She has actively participated in conflict resolution processes through negotiation, mediation and arbitration and has played a significant advisory role during reorganizations, mergers, transfers and/or sales of businesses.

She has solid experience in the fields of human rights, harassment, confidentiality and loyalty, pay equity, protection of personal information, health and safety in the workplace, and more.

She has designed, presided over and presented dozens of conferences and training sessions on the above topics.

Her clients consulted her regularly on the appropriate strategic approach to adopt in difficult or delicate situations, with the aim of preventing and/or seeking practical and effective resolution of conflicts.

Social and professional engagement

Me Savard has always been actively involved in community action.

She served as chairperson of the board of directors of two early childhood centres: *Les Activités Pré-Scolaires de Brossard* and the *Centre de la petite enfance Papillon* (a daycare centre that integrates, in equal proportion, both handicapped and non-handicapped children).

She was a member, then president for two years, of the organizing committee of the annual fundraising ball of the Montréal Alzheimer Society.

Since 1999, she has been a member of the Old Montréal Rotary Club, of which she will become president in summer 2005.

She is a two-time recipient of the "Rotarian of the Year" trophy, in spring 2002 and spring 2003.

Me Savard is in regular contact with various cultural communities in the greater Montréal area and, as a result, is sensitive to their sometimes unique values and approaches.

She was head of the labour and employment law group and member of the board of directors for a law firm.

She was a member of the board of directors (2000-2003) and of the executive committee (2001-2003) of *Lex Mundi*, the largest international association of independent law firms.

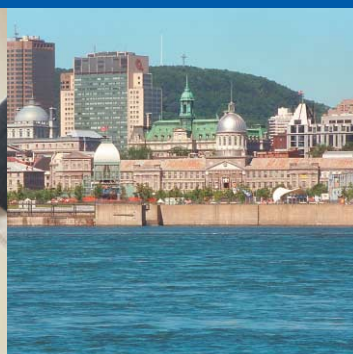
She was chairperson of the *Women and the Law committee* of *Lex Mundi* from 2001 to 2003 and, in this position, organized and participated in conferences given on various themes, including "work/family conciliation", within law offices around the world.

She is one of a rare few of Québec lawyers to have led permanent training sessions to American jurists under the auspices of programs organized by the American Law Institute and the American Bar Association.



Meeting People

ANNUAL REPORT 2004
THE OMBUDSMAN DE MONTRÉAL



The Mandate of the OMBUDSMAN DE MONTRÉAL

Montréal gives a particular importance to the quality of its services to citizens. When the Montréal City Council created this new position, with the *By-Law concerning the Ombudsman*, there was no other municipal ombudsman in Canada.

The OMBUDSMAN DE MONTRÉAL's mandate is to ensure that citizens receive the services and benefits to which they are entitled and that the City's employees and representatives treat them fairly. The OMBUDSMAN DE MONTRÉAL's reach and jurisdictional bounds are defined in the *By-Law concerning the Ombudsman*.

He intervenes when he believes that a person or a group of persons, has been adversely affected, or is likely to be, due to an act, decision, recommendation or omission of the City, a paramunicipal agency or a city agency or their employees.

The OMBUDSMAN DE MONTRÉAL cannot intervene when the complaint results from a decision, recommendation or omission by elected officials.

The OMBUDSMAN DE MONTRÉAL does not oversee labour relations matters within the City or does he have jurisdiction when complaints concern the peace officers of the Service de police de Montréal or the operations of the Société de transport de Montréal: these organizations have their own procedures for handling complaints and all files that fall under their jurisdiction are referred to them.

The OMBUDSMAN DE MONTRÉAL has extensive investigative powers, and City representatives must cooperate with him. Upon completion of an investigation, the Ombudsman can recommend any measure he deems appropriate to the department and/or borough concerned. If he does not receive a favourable response to these recommendations, the Ombudsman can report directly to the City Council, the Executive Committee or the Borough Council.

The OMBUDSMAN DE MONTRÉAL acts only as a **last resort**: citizens who seek his intervention must have previously exhausted internal administrative avenues in an attempt to resolve the problem with the department or borough concerned.



The Mission of the OMBUDSMAN DE MONTRÉAL

The OMBUDSMAN DE MONTRÉAL offers the citizen a sympathetic ear and a new look at his case. When he deems it appropriate, he becomes a privileged representative to intercede on the citizen's behalf with City representatives.

Citizens who address themselves to the OMBUDSMAN DE MONTRÉAL are listened to carefully and know that all their arguments will be seriously and impartially considered.

His approach is empathetic, open and, at times, innovative. When he takes on a new case, the OMBUDSMAN DE MONTRÉAL is completely impartial.

The OMBUDSMAN DE MONTRÉAL must be fully aware of the relevant legislation and applicable internal procedures, and also of their origin and "raison d'être". When necessary, he can help the citizen understand why these rules were adopted.

His interventions place emphasis on seeking satisfactory solutions to a problem that has been identified rather than seeking to identify guilty parties.

The OMBUDSMAN DE MONTRÉAL's interventions often have a preventive influence in that the corrective measures identified can help avoid the recurrence for other citizens of the same difficulty.

An Independent and Apolitical Role

The OMBUDSMAN DE MONTRÉAL's position is apolitical and independent. To avoid any hint of bias, the incumbent must be independent of the municipal administration and have no affiliation with any Montréal municipal political party.

The current OMBUDSMAN DE MONTRÉAL was unanimously appointed by the City Council, represented by city councillors from all boroughs of Montréal and all political alliances.

The OMBUDSMAN DE MONTRÉAL enjoys great autonomy in the internal organization of his office, elaboration of his working methods and handling of his cases. The municipal administration and the elected officials cannot intervene in this respect. Neither do they have access to the OMBUDSMAN DE MONTRÉAL's files, nor can they intercede during the elaboration of conclusions or recommendations the Ombudsman issues as a result of his investigations/interventions.

Despite his great independence, the OMBUDSMAN DE MONTRÉAL must however: (i) respect the City's policies and norms with respect to the management of its human, material and financial resources; and (ii), each year, present the City Council with a written report detailing the fulfilment of his duties for the preceding year.



ACCOMPLISHMENTS OF THE OMBUDSMAN DE MONTRÉAL IN 2004

1. STRUCTURE AND ORGANIZATION

A personalized service

The OMBUDSMAN DE MONTRÉAL maintained, and even improved, the rapidity of the first verbal contact with persons requesting his intervention. Within 24 working hours or less following receipt of a request, a member of his team calls the citizen to confirm that his file has been received and briefly outlines the next steps in the handling of his case.

As for the written confirmation of receipt, which confirms the name and coordinates of the person who will handle the file, it is normally transmitted within two working days.

A confidential service

The importance of protecting the confidentiality of his files is irrefutable and the OMBUDSMAN DE MONTRÉAL safeguards them as much as possible.

From the outset, the application form explains the extent and limits of this confidentiality to the citizen seeking his intervention.

All members of the OMBUDSMAN DE MONTRÉAL's team are required to sign a Confidentiality Agreement.

All files are stored in locked file cabinets in a room off-limits to the public and visitors. All the computer data relative to files is entered in a computerized file management system reserved for the use of the OMBUDSMAN DE MONTRÉAL. The only persons with access to these files are members of the OMBUDSMAN DE MONTRÉAL's team. Neither elected officials nor City of Montréal employees have access to these files.

A bilingual service

The OMBUDSMAN DE MONTRÉAL noted the positive impact of his decision to have his office offer Anglophones full service in their own language. He has received extremely positive comments in this regard.

A growing team

The increasing notoriety of the OMBUDSMAN DE MONTRÉAL has generated a greater number of files and, therefore, qualified personnel had to be added to ensure efficient handling of the requests for intervention that citizens submit.

Me Marjolaine Therrien has been appointed Deputy Ombudsman by the City Council, upon the recommendation of the OMBUDSMAN DE MONTRÉAL.

An investigator/technician position has also been created, to conduct required legal research and to intervene/investigate in less complex cases.

An additional secretarial position was also added to support the team in the handling and processing of files.

A humane and humanitarian approach

A certain number of the citizens who call upon the OMBUDSMAN DE MONTRÉAL face situations that do not fall under the jurisdiction of the City of Montréal, but these individuals really have nowhere else to turn to.

Even if a "file" does not fall within the strict framework of his jurisdiction, the OMBUDSMAN DE MONTRÉAL has favoured an approach whereas he still tries to assist the citizen concerned, either by providing him with information of which he might be unaware, or by redirecting him to an organization likely to be able to help.

In other words, as much as possible, when the OMBUDSMAN DE MONTRÉAL does not have jurisdiction, he tries to direct the citizen to another door he can knock on.

ACCOMPLISHMENTS OF THE OMBUDSMAN DE MONTRÉAL IN 2004

A new logo for 2005



During the year 2004, the **OMBUDSMAN DE MONTRÉAL** worked with communications consultants to create a meaningful and distinctive new logo. This logo goes into use starting in 2005.

It was elaborated from the two key letters identifying his position, the **O** of *Ombudsman* and the **M** of *Montréal*.

The **O** forms the heads, whereas the **M** forms the figures of two persons shaking hands.

The **O** represents the universal ring, a symbol of unity and continuity.

It also symbolizes the island where Montréal is situated.

The **M** also represents the corner of a table, a common place for people to meet and work together to resolve issues.

The blue colour of the new logo is not coincidental. Blue symbolizes communication, self-expression, creativity and peace, besides also evoking the water surrounding Montréal.

A new computerized file management system

The file management systems available at the City of Montréal do not fulfil the needs of the office of the **OMBUDSMAN DE MONTRÉAL**, principally due to the statistical compilations required annually. The **OMBUDSMAN DE MONTRÉAL** thus sought, on the market place, computer systems that could meet the office's operational needs.

In parallel, an excellent collaboration developed between the director of the Bureau de l'ombudsman de la ville de Québec and the **OMBUDSMAN DE MONTRÉAL**, which led, among other pluses, to information sharing and working meetings.

Through these exchanges, the Bureau de l'ombudsman de la ville de Québec offered to allow the **OMBUDSMAN DE MONTRÉAL** to use the new file management system they had just developed, the result of months of work. This offer was approved by the Conseil de la ville de Québec and consequently, the **OMBUDSMAN DE MONTRÉAL** will use this new management tool starting in 2005.

The **OMBUDSMAN DE MONTRÉAL** wishes to thank Me Pierre Angers, secretary-general of the Bureau de l'ombudsman de Québec, as well as the Conseil de la ville de Québec for their excellent collaboration.

2. Increased Visibility for the OMBUDSMAN DE MONTRÉAL

In 2004, the **OMBUDSMAN DE MONTRÉAL** concentrated his efforts on ensuring that City of Montréal officials with whom he was most likely to be in contact to resolve citizens' complaints became familiar with his service.

A tour of the boroughs and municipal departments was organized to enable the **OMBUDSMAN DE MONTRÉAL** to meet with the directors and managers, as well as with elected officials. This enabled them to become acquainted with the service and especially, to exchange **on the mission and the vision of the OMBUDSMAN DE MONTRÉAL, as well as the nature of the services that the OMBUDSMAN DE MONTRÉAL offers their citizens.**

These meetings were very positive, and in general, the **OMBUDSMAN DE MONTRÉAL** felt a sincere desire for collaboration. Scheduled on a purely voluntary basis, the great majority of the boroughs responded to the offer to meet. By the end of the year 2004, the **OMBUDSMAN DE MONTRÉAL** had met with 18 of the 27 boroughs and four other meetings were confirmed for early 2005.

ACCOMPLISHMENTS OF THE OMBUDSMAN DE MONTRÉAL IN 2004

Boroughs met with in 2004

Ahuntsic – Cartierville
Côte-des-Neiges – Notre-Dame-de-Grâce
LaSalle
Le Plateau Mont-Royal
Le Sud-Ouest
L'Île-Bizard – Sainte-Geneviève – Sainte-Anne-de-Bellevue
Mercier – Hochelaga-Maisonneuve
Montréal-Nord
Outremont
Pierrefonds – Senneville
Rivières-des-Prairies – Pointe-aux-Trembles – Montréal-Est
Rosemont – La Petite-Patrie
Saint-Laurent
Saint-Léonard
Verdun
Ville-Marie
Villeray – Saint-Michel – Parc-Extension
Westmount

Boroughs with confirmed meetings early in 2005

Anjou
Dollard-des-Ormeaux – Roxboro
Kirkland
Lachine

There are only five boroughs that have yet to accept this invitation to meet with the OMBUDSMAN DE MONTRÉAL, namely:

Beaconsfield – Baie d'Urfé
Côte Saint-Luc – Hamsstead – Montréal-Ouest
Dorval – L'Île de Dorval
Mont-Royal
Pointe-Claire

Other very productive meetings were held with the directors of central departments and officials responsible for several important dossiers at the City of Montréal.

The OMBUDSMAN DE MONTRÉAL also met with the directors of several paramunicipal agencies. All of the above-mentioned expressed a great deal of enthusiasm and offered their support for each of the steps undertaken to provide the citizens of Montréal with fair and equitable treatment.

These meetings also enabled those responsible for various functions to clarify for the OMBUDSMAN DE MONTRÉAL the nature of the operations and/or services that they offer to the Montrealers, as well as their operating procedures. All this information was subsequently related to the members of the OMBUDSMAN DE MONTRÉAL's team to enable them to improve their understanding of the context of the cases they might be called upon to handle.

In 2004, the OMBUDSMAN DE MONTRÉAL met with:

- Bureau des affaires interculturelles
- Comité exécutif
- Direction de la sécurité du revenu et du développement social
- Direction des affaires pénales et criminelles et cour municipale
- Direction des communications d'urgence (911) et Bureau du taxi et du remorquage
- Direction des communications et des relations avec les citoyens
- Direction du contentieux
- Direction générale de la Ville de Montréal
- Service des affaires corporatives
- Service des finances
- Service du développement culturel et de la qualité du milieu de vie

Specific dossiers and special projects with regard to which the OMBUDSMAN DE MONTRÉAL met with the persons in charge, in 2004:

- Accès Montréal
- Bureau des réclamations
- Bureau du vérificateur général
- Centre de référence et de gestion du logement
- Comité stratégique sur la qualité de vie et la sécurité publique
- Commission de la fonction publique
- Développement social et communautaire
- Office de consultation publique
- Politique de l'arbre
- Problématique des sans-abri et du logement à Montréal
- Projet pénurie de logements - Juillet 2004
- Ressources logements et subventions au logement
- Sommet de Montréal

ACCOMPLISHMENTS OF THE OMBUDSMAN DE MONTRÉAL IN 2004

Paramunicipal Agencies and City Agencies the OMBUDSMAN DE MONTRÉAL met with in 2004:

- Commission des services électriques
- Corporation des habitations Jeanne-Mance
- Office municipal d'habitation
- Stationnement de Montréal
- Société Anjou 80
- Société de développement de Montréal
- Société d'habitation et de développement de Montréal

3. Networking with Outside Organizations

The year 2004 allowed the OMBUDSMAN DE MONTRÉAL to form and/or reinforce close ties with outside organizations sharing a similar mission. Meetings with the members of these organizations allowed for discussion on respective experiences, and exchange on the processes and evolution of functions and mandates.

Among others, and not limited to the following, the OMBUDSMAN DE MONTRÉAL had very productive exchanges with the following organizations:

1. Bureau de l'ombudsman de la ville de Québec; and the
2. Protecteur du citoyen du Québec.

The OMBUDSMAN DE MONTRÉAL was also invited to a meeting of a "Comité des sages" to discuss major issues facing the public sector, in 2005.

Visit of the delegation from the citizens' Complaint Reception Office of Shanghai

On November 2, 2004, the OMBUDSMAN DE MONTRÉAL had the honour of receiving a delegation of seven members of the *Complaint Reception Office of Shanghai*, directed by Mr. Sun Rongchu. For several hours, they had the opportunity to exchange information on the respective operating practices and jurisdictions of the two offices, as well as about procedures and intervention methods. This meeting was greatly appreciated by all participants.

The OMBUDSMAN DE MONTRÉAL wishes to point out the work of Mr. Jacques Besner, international affairs consultant, for the organization of this event.

4. Media Coverage

In our modern world, the media is, without a doubt, one of the primary resources allowing an organization to raise its public profile. The OMBUDSMAN DE MONTRÉAL amplified opportunities for media coverage, with the aim of increasing visibility with the Montrealers.

Two segments of the program "À l'heure de Montréal", on Canal Vox, concentrated on the OMBUDSMAN DE MONTRÉAL.

The OMBUDSMAN DE MONTRÉAL also gave radio interviews on the program "Day Break" as well as on Radio Centre Ville.

In the course of the 2004 tour, the OMBUDSMAN DE MONTRÉAL met several newspapers and magazines who then published articles for their specific clientele. Articles on the OMBUDSMAN DE MONTRÉAL as well as his role, mission and mandate appeared in the following newspapers/magazines:

- La revue Cités nouvelles
- La revue Le Sablier
- L'Express de Mont-Royal
- L'Express d'Outremont
- Le Flambeau de l'Est
- L'Hebdo de l'Île-des-Sœurs
- Le journal Actualités NDG/CDN
- Le Journal du Barreau
- Le journal Métro
- Le Journal MTL
- Le journal Place publique
- Le Magazine Île-des-Sœurs
- Le Point d'Outremont - Mile-End

ACCOMPLISHMENTS OF THE OMBUDSMAN DE MONTRÉAL IN 2004

5. Training Given and Followed

The OMBUDSMAN DE MONTRÉAL takes advantage of every possible opportunity to bring his team's exceptional services to the attention of the public.

He also ensures that his knowledge and competence and that of his entire team remains at a very high level. With this aim, he considers it important to participate in regular, relevant training sessions.

Training given by the OMBUDSMAN DE MONTRÉAL in 2004

1. The OMBUDSMAN DE MONTRÉAL gave several training sessions for City employees, notably the employees of Access Montréal, to explain his role, mandate and operations.
2. The OMBUDSMAN DE MONTRÉAL also gave a seminar to the students of the McGill University Political Science Department, in the context of their education about governments and democracy.
3. The OMBUDSMAN DE MONTRÉAL gave seminars to groups of high school students, to explain his role, mission and position within the City of Montréal.

Training followed by the OMBUDSMAN DE MONTRÉAL or members of his team

1. Training on Bill 33 and its impact on municipal operations.
2. Several training sessions given to employees of Access Montréal offices about City operations and various subsidies programs.
3. Review of recent caselaw with respect to human rights.
4. Computerized tools to access civil and criminal court records and make legal research.

5. Training given by the *École nationale d'administration publique (ENAP)* and the *Collège Bois de Boulogne*:

- Améliorer votre service aux citoyens
- Atelier sur la diversité
- Atelier sur la reconnaissance
- Gestion efficace des équipes et des groupes de travail
- Réussir le changement dans un contexte de transformation organisationnelle
- Réussir Montréal
- Rôles et responsabilités du gestionnaire municipal

6. Training given by the *Forum of Canadian Ombudsmans on "Investigations in an Ombudsman Office"*.

7. Analysis of Supreme Court caselaw on the *Canadian Charter of Rights and Freedoms*.

8. Conference on unwritten constitutional principles.

6. Conferences and Symposiums

The OMBUDSMAN DE MONTRÉAL participated in several conferences and symposiums, at which he was able to forge ties with several other ombudsmans and mediators and receive relevant useful training.

1. Symposium of the *Forum of Canadian Ombudsmans* (Toronto)
2. Conference of the *International Ombudsman Institute* (Québec)
3. Symposium on *Effective management of complaints* (Montréal)
4. Symposium *Villes de culture, villes d'avenir* (Montréal)

ACTION PLAN FOR THE OMBUDSMAN DE MONTRÉAL IN 2005

The **OMBUDSMAN DE MONTRÉAL** and his team enter the year 2005 under the theme, *“At the heart of the community”*.

1. STRUCTURE AND ORGANIZATION

The **OMBUDSMAN DE MONTRÉAL** will pursue the process already well underway of consolidating his team of competent and dynamic individuals, in order to handle the numerous cases submitted for their intervention effectively. To this aim, the **OMBUDSMAN DE MONTRÉAL** plans to:

1. Continue the recruitment of qualified, bilingual personnel;
2. Ensure that all active files are followed closely;
3. Undertake appropriate measures to ensure that all the systems in place for the protection of confidential information in files are strictly adhered to;
4. Finalize the preparation of a Code of Ethics;
5. Ensure the ongoing training of the Office's staff.

2. MONTRÉAL CHARTER OF RIGHTS AND RESPONSIBILITIES

The *Montréal Charter of Rights and Responsibilities*, a draft of which was unveiled to the public in December 2003, was the subject of a public consultation process in spring 2004. The **OMBUDSMAN DE MONTRÉAL** followed this consultation attentively and read all the memoranda issued as well as all the transcripts for the audiences. He also studied the recommendations issued by the commissioners following the public audiences.

According to the latest information, this project remains a priority for the City of Montréal and the charter could take effect in 2005.

This charter will recognize several new social rights for citizens of Montréal.

This should increase the number of requests submitted by citizens, especially since recourse to the **OMBUDSMAN DE MONTRÉAL** will be the sole recourse available in the event of violation of the rights provided for in the charter.

If the final text confirms that, in files related to the charter, the **OMBUDSMAN DE MONTRÉAL** may intervene with respect to decisions, actions, recommendations or omissions arising from the *City Council* or the *Executive Committee* or others of their committees or commissions, we can reasonably expect that the number and type of files submitted to the **OMBUDSMAN DE MONTRÉAL**, as well as their complexity, will increase significantly. We must anticipate an impact on human resources, and therefore on the operating budget.

In the first months, even years, following adoption of The *Montréal Charter of Rights and Responsibilities*, the **OMBUDSMAN DE MONTRÉAL** will have to dedicate a great deal of time and energy to understanding the scope of each of these new rights, in order to adequately handle the requests submitted to him with respect to these new provisions.

3. RAISING PUBLIC AWARENESS OF OUR SERVICE

With citizens and community groups

Having adopted the theme *“At the heart of the community”* for 2005, the **OMBUDSMAN DE MONTRÉAL** will pay particular attention to developing relationships with Montréal's ethnocultural communities.

A media tour of the outlets serving the numerous ethnocultural communities will be launched, so that the exceptional service to citizens available through the office of the **OMBUDSMAN DE MONTRÉAL** becomes more widely known among these groups.

The **OMBUDSMAN DE MONTRÉAL** will also take advantage of all the opportunities that may arise:

1. To meet various community groups representing the citizens of Montréal; and
2. To make the services offered more accessible and more widely known.

ACTION PLAN FOR THE OMBUDSMAN DE MONTRÉAL IN 2005

Via a new website

Over the course of the year 2004, the **OMBUDSMAN DE MONTRÉAL**'s team worked very hard to design and build a convivial, bilingual website with a maximum of information available on the office's activities. This website will allow citizens to complete and send a request form on-line.

This new website should become available in winter 2005, first in French, and shortly after in English.

Within the City

The **OMBUDSMAN DE MONTRÉAL** will continue his constant efforts to maintain healthy collaborative relationships with all City representatives, as well as with elected officials, without any consideration of their political allegiance. In fact, it is of the utmost importance that all these persons fully comprehend the **OMBUDSMAN DE MONTRÉAL**'s mandate and mission and join in offering their support.

The **OMBUDSMAN DE MONTRÉAL** is confident that the current climate of healthy collaboration with directors of the Administration that allows him to take part in the regular meetings with the directors of boroughs and departments will continue.

The **OMBUDSMAN DE MONTRÉAL** will continue to make good use of internal communications tools, such as employee magazines or newspapers, to increase the visibility of his office and encourage a collaborative approach.

The various departments, the boroughs and elected officials of all political stripes may rest assured of the **OMBUDSMAN DE MONTRÉAL**'s sustained efforts to improve the quality of services to the population.

Among other organizations offering similar services to citizens

The **OMBUDSMAN DE MONTRÉAL** has already forged strong ties with several similar entities that handle the complaints of citizens or service users.

The **OMBUDSMAN DE MONTRÉAL** will work to solidify these good relationships, which allow him to confer regularly on the best approaches, structures and operating procedures to employ.

With ombudsmans' organizations

Several organizations grouping ombudsmans and mediators constitute a formidable source of information and training opportunities. These groups offer exceptional opportunities to share experiences acquired by other ombudsmans and give access to highly specific training, of very high quality, on various aspects of the exercise of a mandate such as that of the **OMBUDSMAN DE MONTRÉAL**.

Due to membership in the *Forum of Canadian Ombudsmans*, the *Association des ombudsmans et médiateurs de la Francophonie* and *The Ombudsman Association*, the **OMBUDSMAN DE MONTRÉAL** expects to benefit from opportunities to learn from the long-term experience of his colleagues.

Moreover, Me Savard has already been asked to give conferences on the challenges related to setting up an ombudsman's office and training employees for it.

FILES HANDLED BY THE OMBUDSMAN DE MONTRÉAL IN 2004

Over and above the 15 files received in 2003 for which investigations remained incomplete by the close of that year, the **OMBUDSMAN DE MONTRÉAL** received and handled 275 new requests for in 2004. Information concerning these new files is contained in the tables annexed to this report.

The **OMBUDSMAN DE MONTRÉAL** does not believe it would be opportune to conduct herein a detailed analysis of the whole of these files. In general, the information contained in the statistical tables allows for an adequate understanding of these requests. However, the **OMBUDSMAN DE MONTRÉAL** deems it relevant to call the attention of the City Council to certain more important cases, either due to the complex nature of their subject, or due to the number of cases of the same type that the **OMBUDSMAN DE MONTRÉAL** was asked to handle in 2004.

Concrete examples of other cases will be available on the **OMBUDSMAN DE MONTRÉAL**'s new website, which should be online in the coming weeks.

20

General comment on recurrent or particularly important cases

56 of the new cases received by the **OMBUDSMAN DE MONTRÉAL** in 2004 were submitted by citizens requesting his intervention *on humanitarian grounds* in order to help them retrieve their personal belongings, which were being stored by the *Direction de l'approvisionnement / Fourrière municipale*.

These persons had all been evicted from their apartments, pursuant to a decision by the *Régie du logement*, but at the time were not in a position to ensure the transportation and storage of their furniture and other personal belongings. Thanks to the intervention of the **OMBUDSMAN DE MONTRÉAL**, almost all of these persons were able to retrieve their belongings, subject to reasonable conditions. It is important to underline the exemplary civic sense shown by the managers overseeing storage of these goods, which allowed for reasonable accommodations for citizens in particularly difficult situations.

The other department subject to a significant number of complaints is the *Service des affaires corporatives*. These requests for information mainly concerned the *Bureau des réclamations*, which falls under the *Service du contentieux*, along with the *Cour municipale*, which falls under the jurisdiction of the *Direction des affaires pénales et criminelles*. Given the volume of files handled annually by the *Service des affaires corporatives*, the number of complaints addressed in 2004 is not significant and cannot be interpreted as the result of an operational problem.

However, among these files was one that required particular attention from the **OMBUDSMAN DE MONTRÉAL**. Moreover, a recommendation was issued in October 2004 asking for significant changes to be made to the rules for access to personal information contained in court files with respect to persons who had been discharged or released for the crimes of which they were accused. The details of this case are outlined in "Case No. 1", hereinafter.

On another note, in 2004 the **OMBUDSMAN DE MONTRÉAL** received several requests from citizens complaining about problems related to the presence of a City-owned tree adjacent to their property. Management of these problems falls to borough jurisdiction, however, considering the repetitive nature of citizens' complaints, the **OMBUDSMAN DE MONTRÉAL** deems it relevant to highlight these and suggest to those responsible for these dossiers that a common, concerted approach be adopted to uniformly address the problems submitted. For further details, see "Case No. 2", hereinafter.

As for the third type of file that the Ombudsman deems appropriate to comment on in this present report, it concerns numerous requests submitted by persons waiting for social housing managed by the *Office Municipal d'Habitation* (OMHM). Even if the **OMBUDSMAN DE MONTRÉAL** concludes that the management of the OMHM was adequate and in conformity with its legal obligations, he noted that several of the persons concerned do not comprehend the parameters and operations of this paramunicipal agency. Thus, you will find certain comments in "Case No. 3", which follows.

FILES HANDLED BY THE OMBUDSMAN DE MONTRÉAL IN 2004

The most complex file handled by the OMBUDSMAN DE MONTRÉAL in 2004 is, without a doubt, the following case:

■ CASE NO. 1

ACCESS TO CRIMINAL RECORDS OF THE COUR MUNICIPALE

A) Nature of the initial request:

The OMBUDSMAN DE MONTRÉAL was struck by a request for intervention lodged by a citizen whose criminal indictment file remained accessible to all, through the *Cour municipale* records, despite the fact that the court had acquitted him of all charges brought against him.

This citizen complained of serious harm that could accrue to him because of the fact that this information could fall into the hands of ill-intentioned persons, or potential employers. He submitted that, despite his innocence, the simple fact that persons could find out that he had been accused was enough to manifest a doubt in their minds as to his real innocence: "There's no smoke without fire!"

Using an administrative directive to support his argument ("Directive D-21"), in effect for provincial court records since 1998, this citizen asked the *Cour Municipale* de Montréal to render his file inaccessible to the public, but this request was denied. He then sought recourse with the OMBUDSMAN DE MONTRÉAL.

This provincial Directive D-21 stipulates that:
(translation)

"Access to information contained in the registry and computer records and registry with respect to criminal matters... concerning a person facing one of the following situations, cannot be made public when this person has made a request to this effect:

- a) **Acquittal** of the accused person of an infraction for a reason other than a verdict of non-criminal responsibility by reason of mental problems, upon the expiration of two months following the times limits for the appeal or upon expiration of three months following the outcome of all appeal procedures;
- b) **The accusation is rejected** other than by acquittal or is **withdrawn**, upon expiration of one year following the date of rejection or withdrawal;

- c) **The accusation is suspended** without any procedure having been taken against the accused, upon the expiration of one year following the date of cessation of procedures;
- d) **The liberation of the accused** at the preliminary inquest or resulting from the defence of autrefois acquis or autrefois convict, upon the expiration of one year following the date of liberation;
- e) **Unconditional absolution**, upon the expiration of one year following the date of the order;
- f) **Conditional absolution**, upon the expiration of three years following passage of the period mentioned in the order;
- g) **Unconditional liberation following a verdict of non-criminal responsibility due to mental problems**, upon the expiration of one year following the date of the decision;
- h) **Liberation of the accused under reserve of conditions** that the court or Commission d'examen deem necessary following a verdict of non-criminal responsibility due to mental problems, upon expiration of three years following the date of the decision;
- i) **The commitment not to disturb public order** in virtue of article 810 C.cr., upon expiration of one year following passage of the period mentioned in the commitment

B) The Ombudsman's recommendation and its impact on the "criminal" court record of the citizen concerned:

Having been unable to reach a gentleman's agreement with the *Direction des affaires pénales et criminelles*, on October 18, 2004 the OMBUDSMAN DE MONTRÉAL issued a recommendation requesting that the public cease to have access to nominative and confidential information contained in the actual case file and in digitized court records related to the citizen's file, and that written confirmation of this fact be conveyed to him.

Following this recommendation, on November 15, 2004, the *Direction des affaires pénales et criminelles* confirmed that this file was no longer accessible to the public.

FILES HANDLED BY THE OMBUDSMAN DE MONTRÉAL IN 2004

C) A more general recommendation from the Ombudsman:

In the context of his investigation, the OMBUDSMAN DE MONTRÉAL tried to convince the persons responsible for management of the criminal court records to change their file management protocol for all the files specified under Directive D-21.

However, the initial response was that even though the request appeared “justified”, they could not confirm, in the short or medium term, that the changes necessary to limit public and general access, through *Cour Municipale* records, to the nominative and confidential information related to individuals who had been acquitted or released of criminal infractions for which they had been indicted, would be implemented.

Considering the reasoning that led to the adoption of Directive D-21 in 1998, as well as our society's evolution in terms of protection of rights of the person and access to personal information, the OMBUDSMAN DE MONTRÉAL issued a general recommendation with the aim of correcting a situation which appeared to him to be unjust and unfair to persons who had been acquitted or otherwise freed of the criminal accusations brought against them.

The OMBUDSMAN DE MONTRÉAL recommended that the managers of the *Cour Municipale* adopt, set in motion and implement a criminal case file management policy by virtue of which all the personal information concerning persons who had been accused of criminal infractions, but who had subsequently been acquitted or otherwise freed of same, would be rendered inaccessible to the public.

For the OMBUDSMAN DE MONTRÉAL, such a policy is necessary, as it speaks directly to the core values of a city such as Montréal, which in numerous respects, is a model in terms of democracy and the protection of fundamental rights.

D) Reasoning for the OMBUDSMAN DE MON- TRÉAL's recommendation of October 18, 2004:

Reasoning for the recommendation of the OMBUDSMAN DE MONTRÉAL appears in the letter forwarded to the *Direction des affaires pénales et criminelles*, an extract of which can be found in the French version of this Annual Report.

E) The current state of this case

Following this recommendation and the meetings, discussions and exchanges that followed, the file has made a great deal of progress. Mostly:

- The *Direction des affaires pénales et criminelles* confirmed, on November 15, 2004, its intention to adopt, set up and make operational, by May 1, 2005 at the latest, a new policy rendering the information contained in the computer records of the *Cour Municipale* inaccessible for public consultation, and this, for most cases addressed by Directive D-21, according to methods and delays inspired by those of D-21.
- A meeting between the OMBUDSMAN DE MONTRÉAL and the *Direction des affaires pénales et criminelles* followed, and then on January 19, 2005, the Director confirmed that the new policy would apply to all cases addressed by Directive D-21 and that the applicable delays would be the same;
- In the light of the OMBUDSMAN DE MONTRÉAL's concerns of the risk that a member of the public could obtain information deemed confidential by indirect means such as approaching an employee of the *Cour Municipale*, an Access Montréal office, a borough office or any other of the City's information services that will retain access to these files, the *Direction des affaires pénales et criminelles* also committed, on January 19, 2005, to implement measures to prevent such events from occurring; however, the detail of these measures has yet to be confirmed and the OMBUDSMAN DE MONTRÉAL will, of course, follow up with the *Direction des affaires pénales et criminelles* in this regard.

FILES HANDLED BY THE OMBUDSMAN DE MONTRÉAL IN 2004

However, several facets of the OMBUDSMAN DE MONTRÉAL's recommendations were not accepted by the *Direction des affaires pénales et criminelles* and as a result, the OMBUDSMAN DE MONTRÉAL plans to pursue his efforts in this matter. The principal points that remain unresolved are as follows:

- **The fact that the hard copy (*paper version*) of the files addressed by the new policy remains accessible to any person who asks to see it.**

The *Direction des affaires pénales et criminelles* does not want to subject "hard copies" to the same access limits as computer files. For the OMBUDSMAN DE MONTRÉAL, the computer file and the paper file are two different means of storing similar information and consequently, the same protections should apply equally to both types of files.

- **The fact that the benefits of the new policy are not automatically applied to all files concerned, upon expiration of the applicable delay.**

The *Direction des affaires pénales et criminelles* insists that the new policy only become applicable upon the specific request of each citizen concerned.

The OMBUDSMAN DE MONTRÉAL believes, on his part, that when it comes to implementing a policy that aims to protect a citizen's fundamental rights, the methods applied must offer the greatest possible protection for these fundamental rights.

If the policy remains "by request", too many people concerned risk being deprived of their rights. They may be unaware of the policy, or of simply forget to make the request, especially in cases where the delay to ensure confidentiality only arises several months after the date of acquittal or release.

The OMBUDSMAN DE MONTRÉAL does not share the opinion according to which several of the persons concerned might prefer to have their complete file remain accessible to all, so that the public can know of their acquittal. In his opinion, the best protection we can offer them is, rather, to ensure that nobody can even know of their indictment. Moreover, the OMBUDSMAN DE MONTRÉAL maintains that if a person deems it important to prove his innocence, he can obtain a copy of the judgment, as his file will always remain accessible to him.

The OMBUDSMAN DE MONTRÉAL does recognize, however, that in the case addressed by paragraph h) of Directive D-21, the automatism could be difficult to implement, as it is the Commission d'examen, a body independent of the *Cour Municipale*, which dictates certain procedures. Only in these cases, could a "by request" policy be acceptable, subject to the *proviso*, however, that adequate measures be taken by the *Direction des affaires pénales et criminelles* to inform persons affected, and this in a timely and effective manner.

- **The absence of a formal undertaking by the *Direction des affaires pénales et criminelles* to ensure adequate and sustained publicity of the new policy.**

The OMBUDSMAN DE MONTRÉAL had asked the *Direction des affaires pénales et criminelles* to adopt appropriate measures to ensure that all persons concerned be made aware of the new "temporarily by request" policy. However, he has yet to receive a response to this request.

- **Access to the files that have become confidential, without restriction or time limit, maintained for all employees under the authority of the *Cour Municipale*, even those whose functions do not require access to this information.**

The OMBUDSMAN DE MONTRÉAL believes that access to protected information should be limited only to those persons likely to need this access in the performance of their duties. This is a generally accepted principle when it comes to the protection of or restriction of access to personal or nominative information.

- **Access to the files that have become confidential, without restriction or time limit, maintained for all lawyers and all police officers, even if they cannot demonstrate any interest for obtaining this information.**

The OMBUDSMAN DE MONTRÉAL agrees with the fact that the files in question should remain accessible to Crown Prosecutors and police officers who may require them in the context of an investigation. However, no argument was made to justify why these files should remain accessible to all lawyers and all police officers, without restriction, even when they cannot demonstrate a real interest in the case.

FILES HANDLED BY THE OMBUDSMAN DE MONTRÉAL IN 2004

The fact that these persons are professionals subject to a Code of Ethics should not give them an automatic right of access to all forms of personal, nominative or confidential information.

- **Access to the files that have become confidential, without restriction or time limit, maintained for all journalists.**

Keeping in mind that for the entire duration of the proceedings, journalists had access to all documents and were able to read all the proceedings related to the matter at hand, and were also allowed to attend the hearings, the OMBUDSMAN DE MONTRÉAL believes that their right to freedom of the press has been respected and would not be impinged upon by the fact that, several months after an accused person's acquittal or release by the court of the charges laid against him, journalists would cease to have access to his file.

- **The absence of a firm and definite schedule for the implementation of all the aspects of the new policy.**

At the outset, the *Direction des affaires pénales et criminelles* had confirmed that the new policy would be implemented in conformity to the schedule detailed in the OMBUDSMAN DE MONTRÉAL recommendation, i.e. by May 1, 2005 at the latest. However, in a recent communication, the Director informed the OMBUDSMAN DE MONTRÉAL that this deadline could be delayed to an as-yet-undetermined date because a new study has shown that it would take approximately 100 person/days to make the requested changes.

For the OMBUDSMAN DE MONTRÉAL, it remains of importance to proceed rapidly with the requested changes and avoid any unjustified delays, even if doing so requires that more than one resource person be assigned to this file.

F) CLOSING COMMENTS

As mentioned previously, Montréal is a city that stands out for its desire to protect the fundamental rights of its citizens, which is why the OMBUDSMAN DE MONTRÉAL intends to pursue his efforts to resolve the current case to his complete satisfaction. The new policy should once again confirm Montréal's reputation as a role model in such matters.

■ CASE NO. 2

MUNICIPAL TREES IN RESIDENTIAL ZONES

In 2004, several requests were submitted by citizens complaining about problems due to City-owned trees adjacent to their property.

Besides complaints of damages caused by falling branches or ground being raised by overly invasive roots, several citizens complained that "municipal" trees let "honeydew"⁽¹⁾ fall on their pavement or car, and that this caused damage or maintenance problems. Honeydew is a secretion produced by insects present in the trees: it is sticky and can accumulate on sidewalks and walkways.

These files fall under borough jurisdiction. Those who face this problem at the borough level are well aware of the discontent of their citizens and they are currently seeking long-term solutions to this problem. Despite the wish expressed by certain citizens, this solution will not, however, be found in the systematic felling of affected trees, as they are not in fact actually diseased.

Our interventions led us to realize that with regard to "municipal" trees, numerous citizens do not understand the City's responsibilities and obligations and those of citizens. A number of citizens do not realize the importance for a City, and for its residents, of having a maximum of healthy trees on its territory, for the benefits received in terms of air quality, the environment and living space. Nor do many citizens understand why a tree with insects is not necessarily a diseased tree.

¹ honeydew: «miellab» in French

FILES HANDLED BY THE OMBUDSMAN DE MONTRÉAL IN 2004

The OMBUDSMAN DE MONTRÉAL submits that it would be important to inform better the Montrealers of the value of preserving trees, despite the constraints that may occasionally arise due to their proximity to private property. The new "Politique de l'arbre" should help make the advantages of having numerous trees on Montréal territory more widely known, and consequently underscore the significance of protecting them.

The information documents made available for citizens should more clearly explain the rules in effect with respect to the City's responsibility for its "municipal" trees, especially in cases where these are close to residences. The OMBUDSMAN DE MONTRÉAL has observed that many citizens are unaware of what they can or cannot do when a branch or a root infringes on their environment or their quality of life. It would thus be of value to ensure that all the pertinent information be communicated to and then made readily accessible to a maximum number of citizens.

The OMBUDSMAN DE MONTRÉAL also submits that the various boroughs affected by a honeydew problem should share information and work together to develop more uniform measures from one borough to the next, concerning interventions, management and the dissemination of pertinent information to citizens.

■ CASE NO. 3

SOCIAL HOUSING

The study of requests for involving the *Office municipal d'habitation de Montréal* (OMHM) leads us to the conclusion that there is a shortage of social housing units in Montréal.

The OMBUDSMAN DE MONTRÉAL thus encourages the City to pursue its efforts to make the greatest number of social housing units available, as quickly as possible.

The OMBUDSMAN DE MONTRÉAL's interventions in cases concerning the *Office municipal d'habitation* also revealed that citizens do not comprehend several of the OMHM's rules of operation, thus giving rise to their dissatisfaction and complaints.

More particularly, the OMBUDSMAN DE MONTRÉAL had to explain to citizens, several times that some of the rules applied in the handling of their case are provincial rules, imposed by the Québec Government. The citizens of Montréal do not realize that OMHM housing units are subject to provincial norms since Québec is a major contributor to the financing of OMHM activities.

Neither do citizens awaiting low-rent housing understand how the waiting lists on which their names appear work. In fact, the OMHM must give precedence to certain urgent cases submitted to it, and consequently the priority position of some other files can be affected.

Despite the fact that the OMBUDSMAN DE MONTRÉAL notes the professionalism of the OMHM's managers, he is of the opinion that it would be advisable to make more readily accessible to citizens the important details about internal operating methods that may affect the handling of their files.

CONCLUSION

The **OMBUDSMAN DE MONTRÉAL** is yet another element that distinguishes Montréal as a democratic city "par excellence".

The **OMBUDSMAN DE MONTRÉAL** is already an efficient and well-structured organization of which the City of Montréal can be proud.

The relevance of his role no longer leaves any doubt and the positive repercussions for a number of the City of Montréal's citizens are already plentiful.

More than ever, in 2005, the **OMBUDSMAN DE MONTRÉAL** will be *"At the heart of the community"*.

Statistics



STATISTICS – FILES FOR WHICH AN INVESTIGATION WAS CONDUCTED

Table 1

Subjects of complaints

Subject	Number of complaints	
	2003	2004
Alleys	0	1
Animals	0	1
Behaviour of civil servants	6	10
Call for bids	0	1
Cour municipale	17	15
Driveway entrances	0	1
Evaluations and property tax	4	11
Evictions (storages)	35	56
Financial claims	6	18
Garbage and recycling	0	5
Handicapped persons	0	1
Hiring	3	6
Housing/HLM/Housing subsidy	0	9
Human Rights	0	1
Labour relations	2	0
Noise	0	9
Parking/SRRR/Vignettes	2	5
Permits	0	9
Public markets	0	1
Regulatory exemptions	1	0
Road maintenance/public works	2	6
Security	2	0
Signage	1	0
Sports and leisure	0	10
Subsidies	3	9
Traffic	0	4
Trees	0	8
Uncleanness	2	2
Various	17	6
Zoning/Urbanism/Exemptions	2	6
TOTAL	105	211⁽²⁾

2 To this number, should be added the 64 requests received which were not investigated, either due to falling outside of our mandate or to an exceedingly long delay since the event, or because the citizen did not exhaust other available administrative avenues before addressing the Ombudsman.

STATISTICS – FILES FOR WHICH AN INVESTIGATION WAS CONDUCTED

Table 2

Subjects falling under borough jurisdiction

Borough concerned	Number of complaints	
	2003	2004
Ahuntsic – Cartierville	1	8
Anjou	2	1
Beaconsfield – Baie d'Urfé	0	2
Côte-des-Neiges – Notre-Dame-de-Grâce	4	3
Côte-Saint-Luc – Hampstead – Montréal-Ouest	1	2
Dorval – L'Île Dorval	0	1
Île-Bizard – Sainte-Geneviève – Sainte-Anne-de-Bellevue	1	1
Lachine	0	2
LaSalle	1	3
Le Plateau Mont-Royal	1	10
Le Sud-Ouest	1	4
Mercier – Hochelaga-Maisonneuve	3	14
Mont-Royal	0	1
Montréal-Nord	0	12
Outremont	1	4
Pierrefonds – Senneville	0	2
Rivière-des-Prairies – Pointe-aux-Trembles – Montréal-Est	0	3
Rosemont – La Petite-Patrie	1	3
Verdun	1	4
Ville-Marie	3	7
Villeray – Saint-Michel – Parc-Extension	1	1
Westmount	3	2
TOTAL	25	80

STATISTICS – FILES FOR WHICH AN INVESTIGATION WAS CONDUCTED

Table 3

Subjects failing under central departments jurisdiction

Department or service concerned	Number of complaints	
	2003	2 004
Affaires corporatives		
• Direction des affaires pénales et criminelles ⁽³⁾	20	16
• Direction du contentieux	0	17
• Direction du greffe	1	0
Finances		
• Direction des revenus et de la planification fiscale	3	9
Gestion stratégique, capital humain et diversité ethnoculturelle		
• Direction du développement du capital humain	4	6
Services administratifs		
• Direction de l'approvisionnement	35	56
• Direction des immeubles	0	1
• Bureau du taxi et du remorquage	0	1
Mise en valeur du territoire et du patrimoine		
• Direction du développement du territoire, du patrimoine et de l'habitation	3	8
Infrastructures, transport et environnement		
• Direction de l'administration et du soutien technique	5	1
Bureau du maire et cabinet du comité exécutif	1	3
Service de police	2	0
Sécurité incendie de Montréal	1	0
Développement culturel et qualité du milieu de vie	2	0
TOTAL	77	118

3 In 2003, the Direction des affaires juridiques included both the contentieux and the cour municipale.

STATISTICS – FILES FOR WHICH AN INVESTIGATION WAS CONDUCTED

Table 4

**Files concerning paramunicipal agencies or City agencies
or other organizations or agencies.**

Agency or organization concerned	Number of complaints	
	2003	2004
Office municipal d'habitation de Montréal	3	9
Société d'habitation et de développement de Montréal	0	1
Corporation des marchés publics	0	1
Others (extra-municipal organizations)	0	2
TOTAL	3	13

STATISTICS – FILES FOR WHICH AN INVESTIGATION WAS CONDUCTED

Table 5

Statistics – Delay in handling files received in 2004

Duration	1 to 2 days	1 week	2 weeks	1 month	2 months	3 months	4 months	5+ months	Still pending	TOTAL
Number (2003)	20	10	3	13	25	7	10	2	15	105
Number (2004)	110	41	35	40	15	6	3	6	19	275

This data must be interpreted with prudence.

In fact, complex requests for intervention may be rapidly handled, whereas apparently innocuous requests may take a long time, either because the citizen is slow in providing complementary information, or because the **OMBUDSMAN DE MONTRÉAL** must follow up with the department or borough concerned several times, or has to wait for relevant information, or because more in-depth legal research must be completed.

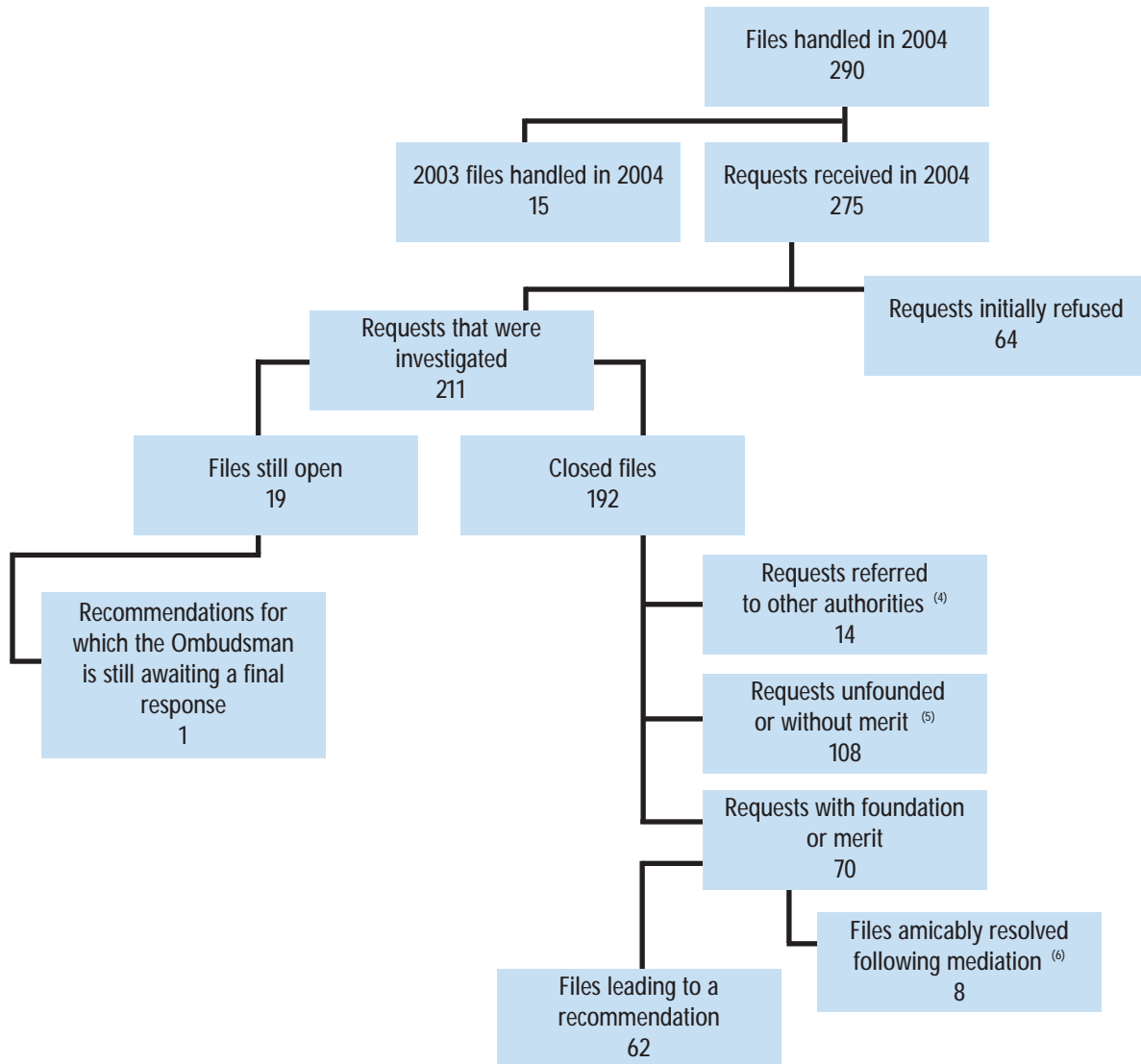
Moreover, the complaints still pending as of December 31, 2004 include requests received close to the year-end.

STATISTICS – FILES FOR WHICH AN INVESTIGATION WAS CONDUCTED

Table 6

**Results of requests received in 2004
Over and above the 15 cases from 2003 that were handled 2004**

34



4 These are files for which the Ombudsman deemed it preferable to refer the handling of the citizen's complaint to the authority concerned, given the desire expressed by this authority's representatives not to wait for the issuance of a recommendation before taking action.

5 These are files for which, following investigation, the Ombudsman decided to terminate his intervention because, for example, norms had been respected or legal recourse was available.

6 For these eight files, the representatives of the boroughs or central department concerned, following discussion with the Ombudsman, and accepted to settle amicably.



275 Notre-Dame Street East, Suite R-100
Montréal, Québec H2Y 1C6
Telephone: (514) 872-8999
Fax: (514) 872-2379
Email: ombudsman@ville.montreal.qc.ca