

Promoting respect
Ensuring equity

2007 ANNUAL REPORT



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Please note that this English translation takes into account instructions received from the *Office québécois de la langue française* which requires that titles and names of boroughs, departments, para-municipal agencies and City-controlled corporations be written in French, even in the English version.



April 28, 2008

Mr. Marcel Parent
Chairman of the City Council of Ville de Montréal
275, rue Notre-Dame Est, R-134
Montréal (Québec) H2Y 1C6

RE: Annual Report of the OMBUDSMAN DE MONTRÉAL for 2007
“Promoting respect; Ensuring equity”

Mr. Parent,

It is with pleasure that I submit this Annual Report of the **OMBUDSMAN DE MONTRÉAL** to the City Council. You will find, therein, details of our team’s main activities for the year 2007, under the theme *“Promoting respect; Ensuring equity”*.

The information therein will allow the Council to better understand the nature of the citizens’ complaints we have handled and interventions we have made, in 2007. Given the great interest citizens have shown in this regard, this year’s report includes more summaries of cases.

The notoriety of our office continues to grow, but it remains a challenge. During the year 2007, 1281 people solicited our help and we have conducted 255 thorough investigations. 41 of these requests related to undertakings contained in the *Montréal Charter of Rights and Responsibilities* of which the **OMBUDSMAN DE MONTRÉAL** is the “guardian”. A Section of the present report is dedicated specifically to this Charter.

I will be pleased to answer any question or provide any additional information the City Council could deem relevant.

My team and I are already well underway for the year 2008. Our new theme is: *“Maintaining the course towards justice and harmony”*.

I trust the whole will be to the City Council’s satisfaction.

Yours very truly,

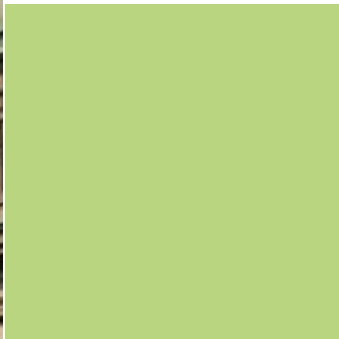
Johanne Savard, Ombudsman of Ville de Montréal

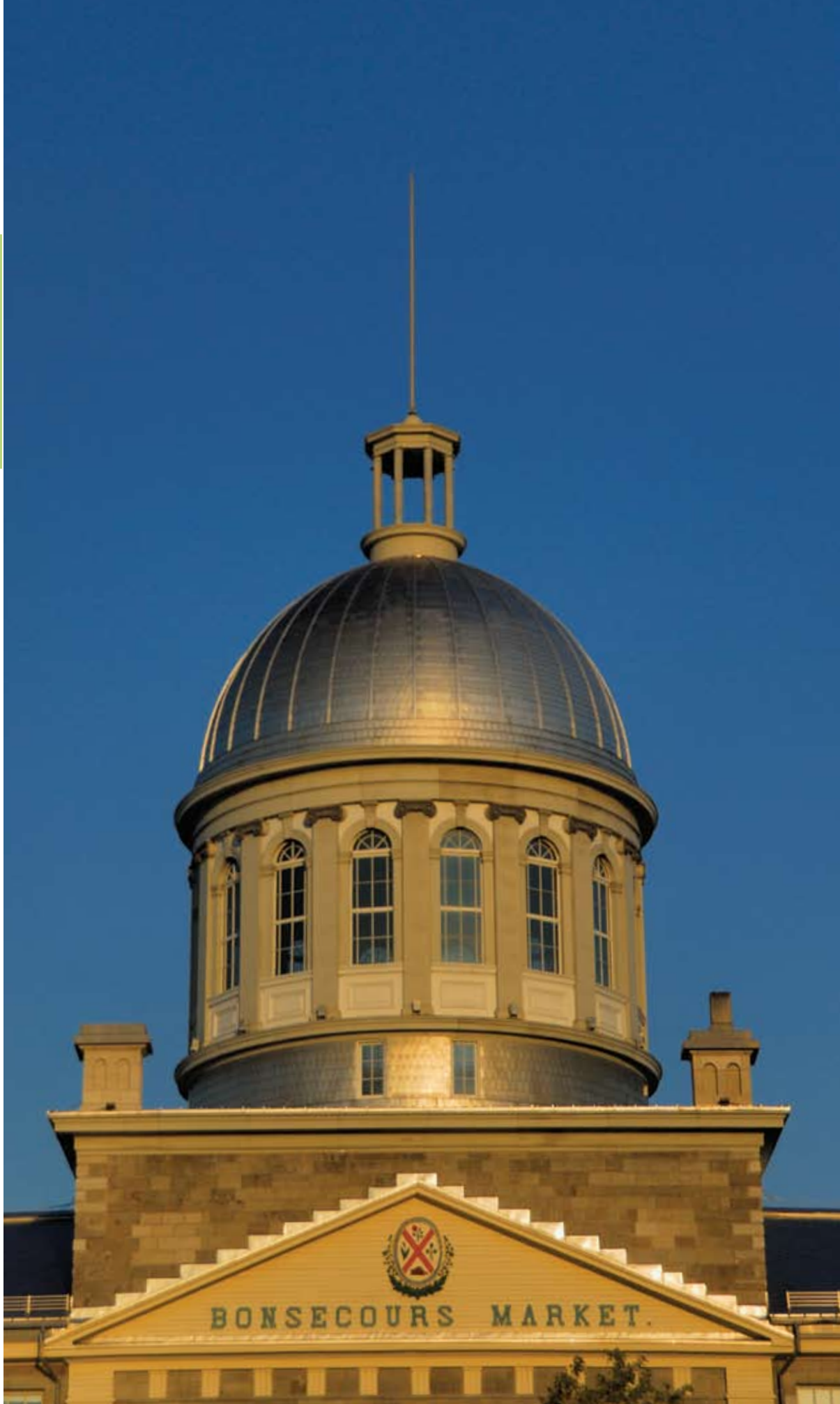
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I Presentation of Ms. Johanne Savard, Ombudsman of Ville de Montréal

Training and Professional experience

Following studies in political science at Concordia University, Ms. Savard obtained her law degree from Université de Montréal, in 1979. She has been a member of the Québec Bar since 1980.

Ms. Savard has completed numerous trainings in management at École nationale d'administration publique de Montréal (ENAP). She is also a *Certified Mediator*.

Ms. Savard was head of the Labour and Employment law group and member of the Board of Directors of a major law firm; member of the Board of Directors and of the Executive Committee of *Lex Mundi*, the world's largest international association of independent law firms; and chair of the *Women and the Law* Committee of this association.

In 2003, Ms. Savard left the private practice of law and became the first ombudsman of Ville de Montréal. She has since offered to the citizens a free last resort recourse which allows them to obtain an independent assessment of their file and, when a problem is identified, the ombudsman's assistance which generally lead to its quick resolution. The City Council of Ville de Montréal has recently renewed her mandate as ombudsman, by unanimous vote.

Expertise

Ms. Savard has solid experience in all fields related to employment and labour law, negotiations, human rights and charters of rights. For many years, she has promoted the use of alternative dispute resolution procedures and approached difficult situations with an eye for preventing conflict and/or finding practical and efficient solutions.

Social commitment

Ms. Savard has always been actively involved in community action.

She chaired the Board of Directors of two daycare centres, including the Centre de la petite enfance Papillon where handicapped and non-handicapped children share their everyday life and experiences.

She was a longtime member and twice the chairperson of the organizing committee of the annual fundraising ball of the Montréal Alzheimer Society.

She sat on the Board of Directors of the Rotary Club of Old Montréal for many years and was president of the club in 2005 – 2006.

Ms. Savard was twice the recipient of the "*Rotarian of the Year*" trophy, in 2002 and 2003, to highlight her sustained involvement in community action. The Rotary Club of Old Montréal also handed her, in 2006, the *Paul Harris Fellow* prize, in appreciation for her *tangible and significant assistance given for the furtherance of better understanding and friendly relations among peoples of the world*.

In 2005, Ms. Savard received, from the *Carrefour des Communautés*, the "*Médaille des arts et métiers du multiculturalisme*", for the quality of her work and involvement in the following fields: *legal, social and intercultural understanding*.

Since 2006, she is a member of the Conseil des gouverneurs of Resto Plateau, a non profit organization which provides training and promotes active contribution to the society, through work and community involvement.



II OMBUDSMAN DE MONTRÉAL, in a nutshell

Creation of the position

The City Council of Ville de Montréal created the position of **OMBUDSMAN DE MONTRÉAL**, in 2002, following a recommendation of the civil society, at the *Sommet de Montréal*. At the time, there was no equivalent position in any Canadian city.

Mandate

The **OMBUDSMAN DE MONTRÉAL** is an **apolitical** and **impartial** entity, **independent** from the municipal administration, responsible for ensuring that citizens receive the municipal services and advantages to which they are entitled and are treated fairly and equitably by all employees and representatives of Ville de Montréal.

The Ombudsman intervenes when she has reasonable grounds to believe that the rights of a person or a group of persons have been adversely affected, or are likely to be, due to an act, a decision, a recommendation or an omission of an employee or representative of Ville de Montréal (central department or borough), a para-municipal agency or a City-controlled corporation.

Until December 2005, the powers of the **OMBUDSMAN DE MONTRÉAL** were defined only by the *By-law concerning the ombudsman* according to which she cannot intervene when the dissatisfaction of a citizen results from a decision, an act or an omission emanating from elected representatives: only administrative decisions fell under her jurisdiction.

On January 1, 2006, the *Montréal Charter of Rights and Responsibilities* extended the **OMBUDSMAN DE MONTRÉAL** jurisdiction and charged her with the role to handle, as a last resort, any and all complaints based on the provisions of this new charter. Exceptionally, and only in these specific files, the **OMBUDSMAN DE MONTRÉAL** can now investigate and issue recommendations with regard to decisions from the City Council, the Executive Committee or a Borough Council.

The **OMBUDSMAN DE MONTRÉAL** has broad investigation powers and City representatives must cooperate with her and her team. Upon completion of an investigation, she may recommend any measure she deems appropriate. If she does not receive a favorable response to her recommendation, the ombudsman can submit the matter to the City Council, the Executive Committee or the Borough Council concerned and request its support in resolving the problem she has identified. If she deems it of public interest, she may also comment the situation publicly.

The **OMBUDSMAN DE MONTRÉAL** only intervenes as a last resort. The citizens who request her intervention must have submitted the problem alleged to the director of the concerned borough or department beforehand.

The members of the **OMBUDSMAN DE MONTRÉAL** team take time to listen to citizens who seek their help and they seriously and impartially consider all their arguments. The **OMBUDSMAN DE MONTRÉAL** team is empathic, open and often innovative. It always acts without bias.



The **OMBUDSMAN DE MONTRÉAL** team must respect applicable laws but it is not bound by “past or customary practices” within the City. When relevant, it will inquire into the origin and reasons of these municipal practices/procedures which have sometimes been in effect for many years and its interventions often provide a golden opportunity to update/modernize them.

Through her interventions and investigations, the **OMBUDSMAN DE MONTRÉAL** emphasis is not so much on finding a guilty party but rather on identifying satisfactory and viable solutions to unfair situations. If, on the other hand, the **OMBUDSMAN DE MONTRÉAL** concludes, after serious analysis, that the situation does not require her intervention, the grounds of this conclusion are properly explained to the citizen who submitted the complaint.

The preventive and positive impacts of the **OMBUDSMAN DE MONTRÉAL** actions are worth of mention. The corrective measures implemented following her interventions often prevent other citizens from facing similar difficulties, in the future.

It should be noted, however, that the **OMBUDSMAN DE MONTRÉAL** does not have jurisdiction over labour matters or any of the Société de transport de Montréal activities. Her jurisdiction over the Service de police de la Ville de Montréal is also limited and she cannot intervene in regards to acts/behaviors of peace officers. Moreover, she cannot take on complaints concerning the behaviour of City Councillors or the actions of any member of their cabinet.

Mission

- To offer citizens an attentive ear and a new look at their situation, without bias.
- To make City representatives better aware of the impact of their decisions on citizens.
- To rapidly identify problems and, if need be, to intervene on behalf of the citizens, with Ville de Montréal.
- To actively contribute to the finding of equitable and satisfactory short-term, medium-term and long-term solutions, when problems are identified.
- To ensure the respect of the commitments contained in the *Montréal Charter of Rights and Responsibilities* by all City representatives.

Our Vision

- That owing to the **OMBUDSMAN DE MONTRÉAL** interventions, the quality of municipal services offered to citizens by Ville de Montréal be the best possible.
- That Montréal municipal services continue to evolve to meet the changing needs of citizens.
- That City representatives and citizens better understand their respective reality, expectations and constraints.

Our Values

In all of their actions, the **OMBUDSMAN DE MONTRÉAL** and her team act with: • **empathy**, • **respect**, • **neutrality** and • **impartiality**, in search of • **just** and • **equitable** solutions for everyone.

Characteristics

The **OMBUDSMAN DE MONTRÉAL** offers a **last resort** recourse to citizens who feel they are adversely affected by Ville de Montréal: this recourse is easily **accessible**, **fast**, **efficient** and most of all, absolutely **free**.

Apolitical and Independent position

Essential condition to ensure its credibility, the position of **OMBUDSMAN DE MONTRÉAL** is apolitical and completely independent from the municipal administration and its elected representatives. The current Ombudsman, Ms. Johanne Savard, was unanimously appointed by City Council, where sit elected representatives of all political parties from all the boroughs of Montréal.

The Ombudsman and her team are entirely dedicated to their mandate and they perform no other function within the City: therefore, they are not at risk of finding themselves in a situation of conflict of interests, real or apparent.

As a condition of employment, the employee of the **OMBUDSMAN DE MONTRÉAL** cannot have or have had close connections to a Montréal municipal political party or elected official.

The **OMBUDSMAN DE MONTRÉAL** enjoys a great deal of autonomy with regard to the organization of her office, her procedures and the handling of her files. Neither the municipal administration nor the elected officials can intervene on this score.

Access to the files of the **OMBUDSMAN DE MONTRÉAL** is limited exclusively to the members of her team and municipal representatives or elected officials cannot interfere in any way in her interventions, investigations, conclusions and recommendations.

The **OMBUDSMAN DE MONTRÉAL** must however:

- (i) respect the City's policies and norms with regard to managing her human, material and financial resources; and
- (ii) each year, submit to the City Council a written report on the performance of her duties and her functions, over the preceding 12 months.

Logo

The **OMBUDSMAN DE MONTRÉAL** logo was elaborated with the two key letters of the function, the **O** of Ombudsman and the **M** of Montréal.

The **O** forms the heads and the **M** the bodies of two persons shaking hands, a sign of good communication and respect.

The **O** also represents the island which is home to Ville de Montréal and the universal ring it forms symbolizes unity and continuity.

The stylized **M** recalls the corner of a table, where people exchange ideas and work together towards the resolution of problems.

The blue color of this signature is no accident. Blue symbolizes communication, self expression, creativity and peace. In this logo, it also refers to the water surrounding Montréal.



III Services offered by the OMBUDSMAN DE MONTRÉAL

Structure and Organization

The **OMBUDSMAN DE MONTRÉAL** team is made up of seven persons including the Ombudsman, the Deputy Ombudsman, a Senior Advisor and two Para-Legal/Investigators. The team is supported by two secretaries.

Code of Ethics

The **OMBUDSMAN DE MONTRÉAL** team subscribes to a *Code of Ethics* which is posted in its office and on its Web site.

Requesting the Ombudsman assistance

To facilitate easy access to our service, a Request Form can be completed and returned “on line”, on our Web site.

Citizens' requests may also be submitted by telephone, mail, e-mail, fax, or directly at our office: in the latter case, however, it is always preferable to make an appointment beforehand.

Access to the Ombudsman office

The **OMBUDSMAN DE MONTRÉAL** office is located on the ground floor of the Montréal City Hall, a few steps away from the Champs-de-Mars metro station. People with reduced mobility may access the building through Place Vauquelin entrance.

Swift service

Within a period of 24 working hours, a citizen who seeks the **OMBUDSMAN DE MONTRÉAL** help receives verbal acknowledgement that our office has received her/his file together with a short explanation of the ensuing steps.

Within a period that generally does not exceed two (2) working days, the **OMBUDSMAN DE MONTRÉAL** forwards to the citizen a written acknowledgement of receipt in which the name and contact information of the person responsible of handling her/his file are confirmed.

In 2007, nearly 90% of the people who sought the help of the **OMBUDSMAN DE MONTRÉAL** received a final answer, within a period of one month or less.

Moreover, more than 75% of the complaints which required a thorough investigation were finalized within two months or less.

Confidentiality

The confidentiality of our process is provided for in the *By-law concerning the ombudsman*: it is extremely important. Whether they are citizens or City employees, the persons we deal with must feel free to confide everything they deem relevant, without any worry that it will be repeated or that they may suffer any reprisal.



All of our files are kept in locked filing cabinets, in offices which are also locked every night: no one besides the members of our team have access to our files.

The computerized system which we use, for the management of our dossiers, is specific to our office and its access is reserved exclusively to the members of the **OMBUDSMAN DE MONTRÉAL** team.

Our files are not subject to *Right of Access* legislation. Moreover, the **OMBUDSMAN DE MONTRÉAL** and her employees cannot be compelled to testify before a court, provide information or deposit documents relating to their investigations or interventions.

This confidentiality is not absolute, however. People who request our assistance must understand that in order to adequately handle/investigate/resolve their problem, the **OMBUDSMAN DE MONTRÉAL** must discuss the relevant elements of their file with the municipal representatives concerned by, or responsible for, the given situation.

Moreover, whenever she decides to intervene or investigate, the *By-law concerning the ombudsman* requires that the **OMBUDSMAN DE MONTRÉAL** informs the director of the concerned borough or department and offer her/him the opportunity to explain the decision or to settle the situation. The General Manager of Ville de Montréal must also be notified of her decision to intervene or investigate in a case and of her final conclusion thereafter.

Helping as much as we can

Empathy is at the heart of all of the interventions of the **OMBUDSMAN DE MONTRÉAL** team. But our jurisdiction is not without limits.

When citizens submit problems that fall outside the scope of Ville de Montréal activities or concern matters over which the **OMBUDSMAN DE MONTRÉAL** cannot intervene, her team still tries to provide useful information and to redirect the citizen to another resource which could possibly help.

*If, without jurisdiction over a situation, the **OMBUDSMAN DE MONTRÉAL** must close the door on a request, she always tries to open a window for the concerned citizen.*

Bilingual service

The **OMBUDSMAN DE MONTRÉAL** office offers complete services, in both English and French, including its Web site.

Multilingual information

Citizens of all origins must know that we are available and willing to help them, if they are facing a municipal problem with Ville de Montréal. We have, therefore, included a short summary explaining the nature of the **OMBUDSMAN DE MONTRÉAL** mandate on the home page of our Web site, in the 14 most spoken languages, in Montréal, besides French and English.

Our poster, our information pamphlet and our bookmark also contain a short welcoming message “*We pay attention to you*”, in all of these languages.



If a person requesting our assistance cannot communicate well enough in English or French, she/he must, however, designate a person who does, to act as the link between our office and this citizen, for the purpose of his/her file.

Braille and other means for citizens with limited eyesight

Since 2006, all business cards used by the **OMBUDSMAN DE MONTRÉAL** team are embossed in Braille and we also use Braille on our bookmarks.

Our correspondence and the texts on our Web site are in the VERDANA font, which is easier to read for people with limited eyesight, whether or not they use reading tools.

Simplified Language and Alternative Spelling

Since 2006, information on the **OMBUDSMAN DE MONTRÉAL** is available in *Simplified Language* and in *Alternative Spelling*, via the *Accès Simple* icon found on Ville de Montréal Web site.

We drafted these texts with the help of Université de Montréal specialists, for people with intellectual limitations.

In the *Simplified Language*, we explain, in simple terms, the role and mandate of the **OMBUDSMAN DE MONTRÉAL** and the nature of the services we can offer. This text can also be listened to, on the *Accès Simple* Web site of Ville de Montréal.

A worth mentioning incidental benefit: the *Simplified Language* version turned out to be very useful for people with limited understanding of the French language.

As for *Alternative Spelling*, it is a specific *phonic language* which is taught in specialized schools to persons unable of ever learning traditional French spelling. This *phonic language* allows them to read useful information by sound and, therefore, to be more autonomous.

The **OMBUDSMAN DE MONTRÉAL** is proud to participate in these fantastic projects which allow her to provide important information to persons with personal limitations who could very well need her services.

Videos

The **OMBUDSMAN DE MONTRÉAL** is often solicited to explain her role and mandate to different groups: she answers favourably to a maximum of such requests but it is not always possible for her to attend all events.

We have, therefore, created two videos in which the **OMBUDSMAN DE MONTRÉAL** explains the nature of her mandate and powers. These videos are available in both French and English and they can be downloaded from our Web site.



IV Report on 2007 Activities

A. 2007 Achievements of the OMBUDSMAN DE MONTRÉAL

Presenting the 2006 Annual Report

Soon after submitting her 2006 Annual Report to the City Council, the OMBUDSMAN DE MONTRÉAL held a Press Conference to present her report to the media: this conference led to numerous interviews.

The Commission de la présidence of City Council later organized a Public Assembly where the Ombudsman explained her 2006 activities and achievements to citizens, listened to their comments and answered their questions as well as the questions of the members of the commission.

New protections for the Ombudsman and her team

Soon after she had taken office, in 2003, Ms. Savard had made the Montréal municipal administration aware of the fact that her office was lacking the protections generally granted to legislative ombudsmans, to guarantee their autonomy, their independence of action and the confidentiality of their process. But only the provincial government could grant these protections. Soon after, Ville de Montréal initiated discussions in that regard with the Government of Québec.

In December 2006, the *Cities and Towns Act* and the *Municipal Code of Québec* were finally modified so as to recognize, for the first time, the relevancy of municipal ombudsmans and impose rules of governance with regard to such a position. From now on, when a city or municipality of Québec will create a municipal ombudsman position, the provincial legislation provides for:

- Certain mandatory rules regarding the appointment and the destitution of the municipal ombudsman;
- The exclusion of elected officials and other persons associated to the municipality to fill such a position;
- The recognition of the ombudsman right to obtain from any person, any and all information he/she deems relevant; and
- Protections for a municipal ombudsman whose nomination respected the above-mentioned criteria.

The new protections which now apply to the OMBUDSMAN DE MONTRÉAL and her team include:

- Their non-compellability before the courts (i.e. not required to testify in regards to their files and interventions);
- A protection against any order to produce a document obtained in the performance of their duties;
- An exemption of their documents and files from the *Right of Access* legislation;

- A protection against any injunction (to force the ombudsman to intervene in a file) or motion to quash (to have a recommendation annulled or an intervention stopped); and
- A protection against legal proceedings with regards to any act accomplished or omitted, in good faith, in the performance of their duties.

It is worth mentioning the exceptional collaboration of Ville de Montréal to obtain such recognition and protections, more specifically, that of Mr. Robert Cassius de Linval, Directeur Principal – Affaires corporatives, and his team.

Investigating on our own initiative

The *By-law concerning the ombudsman* provides that the Ombudsman can intervene on her own initiative.

In 2007, 13 investigations were so conducted, either to pursue a file where the complainant did not have the required interest to seek our help; or to explore further a citizen's complaint which had been settled but where some issues remained unresolved. We also initiated such files to look into matters that had been brought to our attention but not through a citizen's complaint.

In 2007, such investigations related to different subject matters including: the protection of Parc Angrignon forest; access problems to the new automated parking meters for persons in a wheelchair; management of noise complaints; public consultations and citizens' participation; towing and storage fees for vehicles stored on behalf of Ville de Montréal; "customer service" and procedures in various departments of Ville de Montréal.

In the years to come, the **OMBUDSMAN DE MONTRÉAL** plans to use this power, more and more, to the benefit of all citizens.

Reasonable Accommodation and Intercultural Integration

The **OMBUDSMAN DE MONTRÉAL** may intervene with respect to Reasonable Accommodation requests submitted under the Québec *Charter of human rights and freedoms*, in regards to municipal services within Ville de Montréal.

In our experience, such requests emanate mainly from citizens with physical limitations or members of ethno-cultural or religious groups.

Reasonable accommodation is part of the "inclusion policy" that Ville de Montréal has been promoting for many years. Under the said policy, Ville de Montréal sometimes agrees to go beyond this mandatory rule of law, to grant certain additional non binding privileges, in order to promote better integration and inclusion for all its citizens. In the latter cases, the **OMBUDSMAN DE MONTRÉAL** can act as *facilitator*.

In 2007, the **OMBUDSMAN DE MONTRÉAL** has collaborated with many municipal departments to make these different notions better understood and the undertakings contained in the *Montréal Charter of Rights and Responsibilities* better known.



Universal access

Whether it relates to physical access to municipal buildings or to access to Ville de Montréal services and information, the **OMBUDSMAN DE MONTRÉAL** can make sure the duties and undertakings of Ville de Montréal are respected, in this regard.

In 2007, our office followed closely Ville de Montréal *Plan d'action en matière d'accessibilité universelle* and investigated complaints where inappropriate access to municipal offices/buildings was at stake.

Ms. Savard also met with the Board of directors of the *Office des personnes handicapées du Québec* and many of its representatives working in the Montréal area, the Director of CNIB (Canadian National Institute for the Blind), and top managers of *Exaequo* and *AlterGo*, to establish good relationships leading to collaboration that will help us better understand the challenges, needs and expectations of the citizens they represent.

In the years to come, we plan to pursue further our efforts to make all boroughs and departments more aware of the importance of making their offices and buildings accessible to persons who are physically challenged, and to make their information easy to access and to understand.

We will be particularly vigilant in the cases of construction or renovation of municipal offices and we will promote an approach under which the best accessibility norms would be implemented.

An extra benefit worth of mention: when easy access to a building is improved, other citizens also benefit from these changes. To name a few: elderly people and mothers with strollers appreciate the fact they no longer have to climb many stairs or enter through tiny or heavy doors, if they have to go to a municipal office.



Promoting the service

Since she took office, the **OMBUDSMAN DE MONTRÉAL** has always pursued efforts so that more and more citizens are aware of the exceptional services her team can offer and take advantage of this free last resort recourse.

Here are some of the activities conducted in 2007, in this regard:

- Presentations and Discussions with high school students to explain the role of an ombudsman in general, and that of the **OMBUDSMAN DE MONTRÉAL** in particular;
- Booth at the “**Salon Visez Droit**” where we had the opportunity to discuss our mandate with hundreds of citizens. This event is organized by the Montréal Bar to inform citizens on their legal rights and recourses;
- Conference to college students and professors during the **Semaine sur les droits humains et la mondialisation** organized by the Collège Gérald-Godin;
- Conference during the **Forum sur la consultation publique et la démocratie** on: “Using the ombudsman’s intervention as a tool of participative democracy”;
- Presentations to all employees recruited for the new **Service 311** on the powers and mandate of the **OMBUDSMAN DE MONTRÉAL**;
- Participation to a consultation organized by Université de Montréal on “**Place de la religion dans l’espace public québécois**”;
- Publication of many articles and interviews in newspapers and magazines including many who address more specifically to ethno-cultural or community groups.

The Ombudsman also promoted her services within Ville de Montréal to managers, representatives, employees and elected officials.

Promoting the function of legislative ombudsman at the International level

The interest for the function of legislative and municipal ombudsmans extends beyond Québec and Canada. The **OMBUDSMAN DE MONTRÉAL** is regularly sought to explain her role and her mandate to representatives from other countries looking for models to follow, so as to promote citizens' rights and/or democratic participation, on their territory.

Again, in 2007, we had many such opportunities. To name a few, Ms. Savard met and discussed her role with:

- Mr. José Fogaça, mayor of the city of Porto Alegre (Brazil);
- Ms. Shirley Franklin, mayor of the city of Atlanta (USA);
- Ms. Mary B. Marshall, general consul for the United States of America, in Montréal;
- Many delegates from China; and
- A delegation of municipal and parliamentary representatives from Russia.

The **OMBUDSMAN DE MONTRÉAL** was also the host of an event with numerous American, Canadian and South-American ombudsmans who were attending the *Canadian Forum of Ombudsmans* conference.

Special collaboration with the city of Toronto

When it created the municipal ombudsman position, in 2002, Montréal was innovating and it became a model to be followed. Some other cities followed in its steps, but often under a different scenario.

The Montréal model, with its team of persons dedicated exclusively to this function, is the best suited for larger cities and was, therefore, the one adopted by the city of Toronto.

The close collaboration which began in 2006, between Ms. Savard and the city of Toronto, continued in 2007: the Toronto ombudsmanship project should materialize very soon.

It is with great pleasure that Ms. Savard continues to share her expertise and experience with the representatives of other cities, charged with implementing a new ombudsman service.

Conferences, Symposiums and Trainings

The members of the **OMBUDSMAN DE MONTRÉAL** team are aware of the importance of sustained training, to better understand the variety of subjects they may be called upon to examine.

In 2007, trainings were, therefore, attended in different fields including:

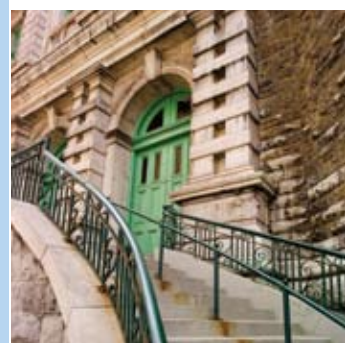
- Mediation and other Alternative Dispute Resolution procedures
- Sensitization to the needs and rights of persons who are physically challenged
- Participative Democracy
- Religions : the law and the reasonable
- Human rights : their scope and their limits
- Reasonable Accommodation
- Efficient management of citizens' complaints
- Right of initiative and Public consultations
- Urban and Social revitalization of districts
- Cooperation in the era of globalization
- Women leadership
- Place of religion in the public area
- Transportation in a city
- Water management
- Equality of men and women : a fundamental value
- Sustainable Development and Environment
- Help when a sinister occurs
- Emergency plans
- Harmony in inter-generation relationships
- Communication styles and skills
- Municipal law

New feature on our Web site – FAQ

Our numerous contacts with citizens have shown that many people wanted more information on our mandate and powers and did not understand many notions relevant to municipal matters.

We have, therefore, added a new section to our Web site, **Foire aux questions/Frequently Asked Questions**. In this new “FAQ”, we explain who we are and define, in simple terms, different notions relating to Ville de Montréal activities.

We plan to update this section regularly with the hope that more and more citizens will surf on our Web site to better understand notions which they are often confronted with but do not understand very well.



Our powers of investigation

We used to submit all questions regarding a complaint to the director of the concerned borough or department: the director relayed our requests to the employee(s) who would then provide the information we had asked.

This way of functioning was efficient as long as the number of files we handle was only a few hundreds. But the number of requests has increased considerably and we needed to make our procedure more efficient.

We were also confronted to a few situations where we waited an extremely long time for answers to our questions because a director insisted that all his employees submit their information to him for approval, before it was sent to our office. In some other cases, our calls or requests were simply never acknowledged. In some instances, we even had to seek the intervention of the borough mayor and councillors so things would finally get moving.

Such unfortunate situations were exceptional, but when they occurred, they caused undue delay and hindered our efficiency. Clearly, some directors were under the impression that we had no choice but to transit through their office to obtain any information we need. But this is not what the law says.

The *By-law concerning the ombudsman* states that the Ombudsman must inform the concerned director whenever she decides to intervene or investigate a case and that she must also submit her final report to him/her, at the end of the process.

The by-law also provides that the Ombudsman must invite the author of the decision or action to be heard and it confirms that she has the right to request any information, document or explanation she deems relevant (Section 17). Moreover, under the *Cities and Towns Act*, the Ombudsman has the right to obtain, from any person, any information she deems necessary (Section 573.17).

There is, therefore, no doubt that in the course of its investigations, the Ombudsman team can request, from anyone, any and all of the information relevant to a file.

In order to correct the erroneous perception of some directors, we forwarded a letter to all of them, in November 2007, to explain the rules mentioned hereinabove. We are confident that this will resolve the few problems we had to face, in that regard.



B. Cases handled in 2007

Since 2003, the increasing number of complaints submitted to our office was impressive. Our efforts to make known this new recourse were fruitful and barely three years after Ms. Savard had taken office, we received as many new requests, yearly, as what we had anticipated to receive after ten years or so of existence.

Our “cruising speed” seems to have been reached, however, and the 2007 number of new files is very close to that of 2006. We can, therefore, anticipate that for the years to come, we should receive between 1,200 and 1,500 new citizens’ requests each year, leading to between 200 and 300 thorough investigations.

a) Car pounds and towing

As much as possible, cars that are towed and stored at the request of Ville de Montréal are placed in a municipal pound. But the number of vehicles to be stored largely surpasses the physical capacities of the municipal pounds and the City must, therefore, negotiate Agreements with private pounds to tow and store vehicles on its behalf. These Agreements are negotiated by the SPVM.

According to the *By-law concerning the ombudsman*, we have jurisdiction over any person carrying duties on behalf of Ville de Montréal. When a private pound tows and stores a vehicle at the SPVM request, therefore, our office may investigate the private pound’s administration, decision and actions relating to this mandate.

Here are some examples of requests we handled with regard to towing /storage of cars which were done by Ville de Montréal or on its behalf.

■ Billing errors – Private pounds

The amounts that a private pound acting for Ville de Montréal can charge to citizens are specifically provided for in the Agreements negotiated with the SPVM.

We investigated situations, however, where the billing actually made had resulted in citizens being overcharged. For example, we found cases where:

- Two days of storage were billed when the vehicle had been stored for less than 24 hours;
- “Other fees” of \$25.00 had been charged although the contract forbids the claiming of any non-negotiated cost;
- Towing fees of \$85.00 had been charged whereas the contract provides for \$75.00 only.

Following our interventions, the concerned citizens were reimbursed. We also notified the SPVM of these irregularities.

The SPVM quickly forwarded a letter to all private pounds with which it has an Agreement reminding them, very clearly, that they can only charge amounts which are provided for in the Agreement.

The SPVM is presently renegotiating the terms of these Agreements and modifications will be made to avoid similar problems, in the future. The SPVM undertook to keep our office informed of the changes contemplated, beforehand, as well as all the measures that will be implemented to avoid the reoccurrence of such errors.

■ Vehicle held for the purpose of a police investigation – Storage fees

A stolen vehicle was found and stored in a pound, at the SPVM request, until an expert investigator could examine it and take fingerprints.

When the citizen was allowed to recover her vehicle, five (5) days later, she was charged towing and storage fees totalizing \$241.57. Since these costs had been incurred for the purpose of the police investigation, she asked the *Bureau des réclamations* of Ville de Montréal to reimburse the amount, but her request was denied.

After analysis, the **OMBUDSMAN DE MONTRÉAL** came to the conclusion that it was unfair to charge the victim who had committed no fault and did not participate in the commission of the crime the towing and storage fees incurred for the purpose of police investigation. She, therefore, intervene on behalf of the citizen.

The Direction du contentieux finally accepted her view and confirmed that, in such circumstances, the victim/owner should not pay these fees. It also agreed that when the police no longer needs the vehicle, for its investigation, a reasonable notice should be given to the citizen/owner to retrieve it, without cost. In the present instance, the citizen was fully reimbursed.

We are now awaiting confirmation of Formal Instructions to that effect to be forwarded to all concerned, by the SPVM. We will follow up on this, in 2008.

■ Disposal of a seized vehicle

The citizen's car had been seized by the SPVM, at the request of the *Bureau du taxi et du remorquage*: he was suspected of offering paid transportation services without holding a taxi driver's license, in breach of *An Act respecting transportation service by taxi* (the "Act"). His vehicle was stored in a private pound, for the SPVM.

Approximately one month later, the citizen received a notice from the private pound informing him that if he failed to recover his vehicle, within the following ten (10) days, it would be put up for sale. When the citizen tried to recover his vehicle, however, he was asked to produce a SPVM authorization to that effect, which he was unable to obtain. The citizen then enquired with the **OMBUDSMAN DE MONTRÉAL** to prevent the sale of his car.

Our investigation showed that, under the *Act*, the pound could not dispose of the vehicle and the SPVM could not authorize the pound to give it back to the citizen. The *Act* is clear: only a Court of law can authorize such disposal or handing over, to its owner.

In light of the above, the **OMBUDSMAN DE MONTRÉAL** quickly issued a **RECOMMENDATION** to the SPVM and to the concerned private pound asking them to:

- **SUSPEND IMMEDIATELY ANY PROCEEDINGS FOR THE DISPOSAL OF THE VEHICLE; AND**
- **ENSURE THAT THE VEHICLE WOULD NOT BE SOLD OR OTHERWISE DISPOSED OF, EXCEPT WITH THE SPECIFIC AUTHORIZATION OF THE COURT.**

The private pound acknowledged its mistake and immediately corrected the situation. As for the SPVM, it confirmed that appropriate measures had been taken to prevent this sale and to ensure the respect of the *Act*. Our intervention prevented the illegal sale of this citizen's vehicle.

■ Car towed and stored by mistake

The citizen's car was parked illegally. Instead of having it moved elsewhere, an SPVM agent mistakenly had it towed and stored to the municipal pound.

When the citizen noticed her car was missing, she contacted the police quarters: she was told there was no *Report* that the car had been moved elsewhere or towed away and, therefore, that her vehicle had probably been stolen. Soon after, a *Towing Report* was received at the police quarters: an agent tried to contact the citizen, without success, and the file was put aside.

Many days later, the citizen received a *Statement of offence* for illegal parking and a bill of \$1,025.55, for the towing and storage of her vehicle. After other attempts had failed, she contacted our office.

In the course of our investigation, the SPVM recognized that the car should not have been towed and stored but only moved elsewhere: the citizen could, therefore, recover her vehicle, without paying these fees. The *Statement of offence* remained into force, however, and had to be paid: its amount includes a \$50.00 towing fee.

b) Culture, Leisure and Community activities

■ Playground

A citizen was complaining that there was no children playground in Parc Jarry, since summer 2006.

The old playground had been closed due to the re-development of Parc Jarry, according to a plan which had been the object of public consultations, in 2005. During the said consultations, however, the playground had been identified as a priority.

The implementation of the re-development plan took a long time, partly because the site had to be decontaminated first. At the end of 2006, the City called for outside tenders to carry out this major re-development project. However, the evaluation grids of the tenders were later modified by Ville de Montréal and, as a result, the tender process had to be started over again. According to the information we received, the re-development of Parc Jarry should be completed by summer of 2008.



The **OMBUDSMAN DE MONTRÉAL** contacted the Service du développement culturel, de la qualité du milieu de vie et de la diversité ethnoculturelle to explore if, in the meantime, a playground could be made available to children. The response to our request was positive and Ville de Montréal proceeded to the temporary restoration of the old playground which children had access to, in the summer of 2007.

■ Community Garden

A citizen and her spouse were expelled from *Le Michelois* community garden, for a period of two years, following an altercation between her husband and another gardener who would have made offensive remarks towards her. The police had been called to the scene but no formal complaint was filed against either of the people concerned. This garden is located in Arrondissement de Villeray – Saint-Michel – Parc-Extension.

The gardeners of *Le Michelois* must abide by the *Règles de civisme et de jardinage* which the borough hands over to them. These *Rules* stipulate that *an enjoyable atmosphere is essential to the practice of any leisure activity* and that *a person whose repetitive comments, behavior or attitude harm the serenity of the place can be sanctioned and, as a last resort, be expelled*.

The same document provides that when the rules are not respected, a **verbal** warning **must first** be given, and then a **written** warning, following which the person may be expelled.

The procedure to be followed, when a problem arises, was imposed and communicated to the gardeners by the borough: in our opinion, therefore, they are binding on both the gardeners and the borough. According to these rules, prior notices must have been issued before a gardener may be expelled.

In the present instance, the borough initially alleged previous notices given to the citizen/complainant. After investigation, however, it turned out that all of these notices had been cancelled by the borough: thus, the citizen's file did not contain any valid previous notice and the altercation should have been sanctioned as a first offence.

The borough then acknowledged that the expulsions were sprung only from the acts of the citizen's spouse, during the altercation, and that it considered the citizen to be fully liable for the actions of her spouse/co-gardener. The *Règles de civisme et de jardinage* do not refer to such mutual liability between co-gardeners, but the borough rejected our suggestion that only the co-gardener/spouse should be sanctioned for his own actions.

The borough also submitted that under a *Zero tolerance policy*, it systematically expels anyone who verbally or physically abuses another person. In the present instance, however, the other gardener involved in the altercation was not expelled nor imposed any sanction whatsoever.



In light of the foregoing, this double expulsion, for a period of two years, appeared to us as unjust and unfair.

The **OMBUDSMAN DE MONTRÉAL** issued a **RECOMMENDATION** that:

- THE EXPULSION OF THE CITIZEN BE CANCELLED AND THAT SHE BE REINSTATED IN HER COMMUNITY GARDEN; AND THAT
- THE BOROUGH RECONSIDERS ITS DECISION IN REGARDS TO THE SPOUSE/CO-GARDENER AND REDUCE HIS EXPULSION TO A PERIOD OF ONE SEASON ONLY.

The Borough Council of Arrondissement de Villeray – Saint-Michel – Parc-Extension reexamined the case and, in spite of our **RECOMMENDATION**, it maintained the initial decision to expel both the gardener and her spouse for a period of two years. We were very disappointed by this decision.

However, the borough has committed to update its *Règles de civisme et de jardinage* to clearly specify that expulsions may be imposed as a first sanction, in some instances, and to clarify the current “non written rule” according to which gardeners are fully responsible for the actions of their co-gardeners.

It is very important, in our opinion, that complete and unambiguous rules be communicated to the gardeners and we will, therefore, follow up on this commitment, in 2008.

c) Municipal Subsidies and Taxes

■ Property Assessment Roll: Modification and Refund

In 1963, an insurance broker office was located in the basement of a triplex. It is only from 2003, however, that Ville de Montréal considered this basement as commercial, for the purpose of its taxation.

In 2004, this professional office was sold and the new owner left the premises soon after, the same year. Afterwards, the borough refused to issue a permit allowing commercial/professional operations in this basement on the basis that the building is residential and that only the residing owner can operate a professional business therein.

As early as 2005, the citizen requested that the City modifies the classification of his basement, from commercial to residential, which would have a significant impact on his property tax bill. He also requested a tax refund, retroactive to January 1, 2005, between the taxes he had actually paid and the amount he should have. Both requests were denied.

The Ombudsman took steps with the Direction de l'évaluation foncière du Service des affaires corporatives which later confirmed that the property assessment roll had finally been modified to make the entire building “residential”, as of January 1, 2006. The citizen would, therefore, be reimbursed retroactively to that date.

In light of the fact that the citizen had undertaken his requests as early as 2005, the **OMBUDSMAN DE MONTRÉAL** pursued her initiative to request retroactivity for the year 2005 as well, which she finally obtained. The citizen was very happy, indeed.

■ Reimbursement of property taxes – Follow-up on uncashed cheques

In the course of an investigation, we noted that the Service des finances was not following up on cheques issued to citizens for the reimbursement of property taxes to ensure they had effectively been cashed in. Such cheques are often issued a long time after the citizen has contested his/her property assessment roll and, therefore, large sums of money are generally at stake.

We contacted the Service des finances to explore how this situation could be improved, to the benefit of Montrealers.

Following our discussions, the Service des finances agreed to implement a new follow-up policy on cheques related to the reimbursement of property taxes. A new system was put into place and, from now on, the department will be automatically notified by computer whenever a cheque expires without having been cashed in (i.e. 6 months after its issuance). The Service des finances will then contact the citizen and if appropriate, will issue a new cheque.

We are confident that this new procedure will benefit many citizens who do not always follow up thoroughly on all their financial claims.

■ Home Ownership Program

A citizen is contesting the decision of the Service de la mise en valeur du territoire et du patrimoine not to grant him the subsidy he was awaiting, under the *Home Ownership Program*.

Initially, the citizen satisfied all of the eligibility criteria of the program. The reason why he was later denied the subsidy was that his daughter had attained her majority before the date of publication of his *Deed of Sale*. This detail is important because the number of minor children in the household has a direct impact on the right to the subsidy.

Our thorough investigation confirmed that the citizen had completed all of the necessary steps within the prescribed delays including his signing of his *Deed of Sale*. It was an inadequate handling of his file, by an outside City representative, which caused undue delays before the *Deed of Sale* was signed by the other parties and, therefore, before it could be published. It was during this period that the citizen's daughter attained her majority. We also noted that, as soon as he had himself signed the *Deed of Sale*, the keys to his new condo had been given to the citizen who immediately took possession of it. The citizen was, therefore, justified in his belief that, from that moment on, the sale was final.

The **OMBUDSMAN DE MONTRÉAL** contacted the concerned authorities to discuss the unusual circumstances of this file, notably the abnormal delays which were not imputable to the citizen. Given these circumstances, the Service de la mise en valeur du territoire et du patrimoine agreed to pay the citizen, on an exceptional basis, the \$7,500.00 subsidy which he had been denied.

■ Renovation Subsidy – Impact on future rents

Following a *Statement of Offence* confirming many defects to be corrected in her apartment building, the owner asked for and obtained a municipal subsidy of \$115,200.00 under the *Major Residential Renovation Program*: a first payment of \$57,600.00 was forwarded to her, shortly afterwards.

This subsidy was subject to many conditions, one of which was that there would be limits to the rents that could be charged to tenants, after the renovations. The citizen committed to respect all of these conditions, in writing and in a notarized document.

When she was made aware of the maximum rents she was authorized to charge, however, the citizen objected, finding them too low. She asked Ville de Montréal to convert her initial subsidy into a subsidy for minor repairs, which was denied.

The amounts of the rents were established in accordance with the *By-law concerning subsidies for residential renovation and demolition-reconstruction*. The provisions therein, with regard to future rents, are to ensure that the apartments remain affordable and that prior tenants are not unduly penalized, as a result of the renovations.

In regards to the City's refusal to change the nature of the subsidy, the Ombudsman investigated and concluded that Ville de Montréal decision was justified. The concerned renovations were definitely not *minor repairs* and, moreover, no renovation subsidies for *minor repairs* had been granted, since March 2005, due to a lack of funds in the program.

Although the citizen had already waived her right to her grant for *major works*, we obtained, from the Service de la mise en valeur du territoire et du patrimoine, that she could keep this subsidy, providing she conforms with the conditions of the program, including the calculation of rents. If she accepted, the citizen would not have to reimburse the \$57,600.00 already received and she would obtain a second such payment. A delay was granted to the owner to confirm her final decision.





d) Cour municipale de Montréal

■ Court costs

The citizen had contested a *Statement of Offence* which he had received under the *Highway Safety Code*. At trial, he was found guilty of a lesser offence (lower fine and less demerit points) but ordered to pay the court costs. The citizen submits that the judge would have mentioned that, given the lesser offence, it would cost him less.

When he received his *Notice of Judgment*, however, the court costs were such that the total amount to be paid was higher than the amount of the initial fine. The citizen requested our intervention to have these court costs cancelled.

The **OMBUDSMAN DE MONTRÉAL** has no power to quash any order of a Court of law, including an order to pay court costs: we are not a Court of appeal and we cannot intervene in any judicial process. Moreover, the amounts of court costs are clearly provided for in the *Tariff of court costs in penal matters*, a provincial legislation over which we have no jurisdiction.

The most the **OMBUDSMAN DE MONTRÉAL** could do was to make an informal approach to remind the Cour municipale de Montréal judges the impact of the court costs they may order, especially when the fines at stake are minimal.

■ Postponement denied

Following serious injuries, a young man was unable to appear before the Cour municipale de Montréal, on the date he had been summoned to do so. His mother notified the court of her son's incapacity and she also sent a written request asking for the postponement of the hearing date.

A few days later, however, her son received a *Notice of issuance of a writ of seizure* and a letter informing him that his driver's license would be suspended by the SAAQ (Société d'assurance automobile du Québec). The citizen asked for the **OMBUDSMAN DE MONTRÉAL** intervention.

For an unknown reason, there was no mention of the steps taken by the mother in her son's file. Following the intervention of the **OMBUDSMAN DE MONTRÉAL**, the citizen provided evidence to the Cour municipale de Montréal of the request for postponement she had sent: the court corrected the information in her son's file and a new hearing date was set. The court also notified the SAAQ that it was no longer appropriate, for the time being, to suspend this man's driver's license.

e) Dwellings

■ Subsidized dwellings – Abandonment

A citizen receiving a *Rent Supplement Allowance* must leave the country for a couple of weeks. She sells all of her furniture in order to pay for the trip and pays one month of rent to her landlord, before leaving. Upon her return, she finds out that her lease has been resiliated and that the OMHM has withdrawn her right to the rent supplement.

According to the OMHM rules, when a tenant leaves his dwelling without furniture, he is deemed to have *abandoned* it and his lease is resiliated of right. Moreover, a delay penalty is imposed to the tenant before he can apply for low-rent housing (HLM) or a rent supplement, again.

After investigating this specific case, the **OMBUDSMAN DE MONTRÉAL** concluded that the tenant had no intention of *abandoning* her dwelling. She thus intervened on her behalf, with the OMHM.

Following her intervention, the OMHM accepted that, in this specific instance, the tenant's departure did not constitute an *abandonment* of her dwelling. This decision was based, mainly, on the fact that the citizen was gone for a very short time and that she had paid her rent in advance, before leaving the country. As a result, the OMHM restored her rent supplement allowance and relocated the citizen.

■ OMHM penalty – Abandonment

In 2006, a citizen submits a request for a HLM which the OMHM declares inadmissible because, according to its files, this citizen had previously *abandoned* a subsidized dwelling, in 2005. Under the OMHM rules, she could not submit a new application for an HLM or a subsidized dwelling for a period of five (5) years, following the date of her *abandonment*.

The citizen confirmed that she had resided in a subsidized dwelling, but she denied having *abandoned* it. She insisted that she had left in agreement with the landlord and, therefore, she found the penalty imposed to her totally unjustified.

Following the intervention of the **OMBUDSMAN DE MONTRÉAL**, the citizen provided evidence that her departure had, indeed, been agreed with her landlord, upon which the OMHM recognized that there had been no *abandonment* since this concept implies the idea of running away to escape creditors.

The OMHM corrected the information contained in the citizen's file and reconsidered her application to be put on a waiting list for a HLM.

■ Insalubrious dwelling – No inspector available

A tenant had no permanent heating system on the second floor of her dwelling and, with winter arriving, she worried about the cold. She filed for the resiliation of her lease with the Régie du logement and asked her borough to have a municipal inspector visit the premises to confirm the situation.

Arrondissement de Lachine's response was that there were no inspector available for the moment, to ensure the respect of the *By-law concerning the sanitation and maintenance of dwelling units* and that approximately 100 complaints were currently on standby, waiting to be looked into.

The citizen, therefore, requested the **OMBUDSMAN DE MONTRÉAL** assistance. Following our intervention, a borough employee quickly showed up to inspect the premises: his report was sent to the citizen who produced it at the Régie du logement.

In addition, the borough confirmed that an inspector would be hired swiftly to respond to complaints relating to insalubrious dwellings. We will follow up, in 2008, on this aspect of the file.

f) Urbanism and Maintenance

■ Catch basins in a private alley

A citizen requested the intervention of the **OMBUDSMAN DE MONTRÉAL** for the City to resume the cleaning and clearing of catch basins located in his alley. These catch basins were blocked and, at the dawn of the strong autumn rains, the bordering residents feared their overflow and damages to their basements.

These catch basins had always been maintained by Ville de Montréal but Arrondissement Le Plateau Mont-Royal had stopped doing this, after realizing they were located in a private alley.

Our investigation showed that these catch basins had been built by Ville de Montréal, that they are connected to the municipal network of sewer and that they had always been cleaned by the City.

Under the circumstances, the Ombudsman came to the conclusion that the borough's decision was not fair and, moreover, that it was likely to engage the liability of Ville de Montréal if, by overflowing, their water damaged the properties of the bordering citizens. For the Ombudsman, the fact that these basins had been built by the City who had maintained them afterwards overrode the fact that they were located in a private alley.

Following her intervention, the borough accepted to resume the regular maintenance of the said catch basins and it quickly "unblocked" them. The citizen was greatly relieved.

C. Follow-up on previous files

■ City pound – Furniture

It is not legally required to, but Ville de Montréal normally picks up the furniture and other personal effects put on the street by bailiffs, following the eviction of a tenant. This prevents the goods from being stolen or broken by third parties. Ville de Montréal stores these goods in its municipal pound, for a period of two months, at the end of which they are either sold or thrown away. This service is not free, however, and citizens must pay for transportation and storage, in order to recover their goods.

In 2007, the **OMBUDSMAN DE MONTRÉAL** made many interventions to help citizens experiencing major financial difficulties obtain a reduction of these fees and/or a short extension of the usual storage period.

No such intervention is made without first conducting a serious investigation. In most instances, citizens do not recover their goods for free.

As for extending the storage period, the extensions we obtain are not indefinite and we insist that citizens act diligently to retrieve their property, within a reasonable delay. The municipal pound is lacking storage spaces and it is, therefore, important to ensure a rotation of the goods, so that other citizens are not deprived of this temporary storage privilege, offered by Ville de Montréal, due to a lack of space.

■ Insalubrious dwellings

Since 2003, the **OMBUDSMAN DE MONTRÉAL** often handled complaints where the maintenance and salubrity of dwellings were at stake and where the respect of the *By-law concerning the sanitation and maintenance of dwelling units* appeared problematic.

Conscious that many Montréal dwellings suffer from major insalubriousness, Ville de Montréal created, in 2007, a new team dedicated specifically to handling such “heavy” cases. This team is composed of one Head Inspector, four Inspectors, two Clerks and one Liaison Officer at Cour municipale de Montréal. Approximately 2,000 dwellings would have been identified as requiring the special attention of this team.

Its mandate is: (i) to systematically inspect dwellings and buildings with a serious insalubrious problem, hand-in-hand with the concerned borough; (ii) where the landlord does not take appropriate actions to correct the situation, to act as an expert counsel for the borough with regard to the legal proceedings taken against the said landlord; (iii) this new team may also proceed to have the relevant repairs made, at the owner’s expense.

Given the unfortunate negligence of many landlords, the **OMBUDSMAN DE MONTRÉAL** salutes this much needed initiative.



■ Office municipal d'habitation de Montréal – Bureau des plaintes

In her 2006 Annual Report, the **OMBUDSMAN DE MONTRÉAL** saluted the OMHM decision to set up its own Bureau des plaintes.

This *Bureau des plaintes* clearly responded to a need and the OMHM efforts to make this office better known were obviously fruitful. In 2006, this office had handled 457 requests, whereas in 2007, the number of new requests went up to 814.

On our part, the **OMBUDSMAN DE MONTRÉAL** received 62 requests concerning the OMHM, in 2007: some of these requests were inadmissible, 36 were referred to the *Bureau des plaintes* and 10 resulted in an intervention on our part. Each time, we could count on the exceptional collaboration of the Director of the *Bureau des plaintes* to find a solution that was just and fair.

■ Restricting the access to information contained in the Cour municipale de Montréal computerized systems

As mentioned in our previous Annual Reports, a **RECOMMENDATION** of the **OMBUDSMAN DE MONTRÉAL** led to the implementation of a new policy allowing persons who were acquitted or otherwise exonerated of a criminal accusation to request that access to their computerized file be restricted, at Cour municipale de Montréal. Providing they satisfy the conditions, they may, for that purpose, complete and submit an *Application for restriction of access to information contained in the court's computerized registers in criminal matters*.

In 2006, 279 citizens had benefited from this restriction over a total of 479 requests.

In 2007, the Cour municipale de Montréal received 473 such requests of which 315 were granted. The others were denied for the following reasons:

- Mandatory waiting period not expired
- Request incomplete
- Request inadmissible
- Guilty verdict

From year to year, these increasing numbers confirm how much needed this new policy was to avoid the inappropriate and unjustified stigmatization of persons who were never found guilty of the offence they had been accused of.



D. Mentions for exceptional collaboration

Every time the **OMBUDSMAN DE MONTRÉAL** intervenes in a file, the collaboration of City representatives is important and generally acquired. Few of them still react negatively to our requests.

Some individuals, however, stand out by their exceptional collaboration and support, in complex or difficult files, to the best interest of the citizens.

In 2007, the following persons or departments deserve a special mention, in that regard:

- Direction des sports, loisirs, parcs et espaces verts of the Service du développement culturel, de la qualité du milieu de vie et de la diversité ethnoculturelle;
- Direction de l'évaluation foncière of the Service des affaires corporatives;
- Mr. Marc Dussault, Chef de division – voirie, Arrondissement Le Plateau Mont-Royal;
- Ms. Mélanie Pelletier, Director of the OMHM Bureau des plaintes;
- Mr. Luc Doré, Arrondissement Le Plateau Mont-Royal;
- Mr. Richard Blais, Chef de division – permis et inspections, Arrondissement d'Ahuntsic – Cartierville;
- Mr. Daniel Finley, Chef de division – planification fiscale et support aux opérations, Service des finances;
- Mr. Jean-Louis Legal, Chef de section – gestion des programmes d'habitation, Service de la mise en valeur du territoire et du patrimoine;
- Mr. Carl Moïse, Chef de section – entreposage et disposition, Division du transport et de l'entreposage, and the employees working at the Montréal municipal pound;
- Ms. Ruth Desmeules, Chef de section – traitement des appels et plaidoyers, Cour municipale de Montréal.

We thank them sincerely for their exemplary collaboration and for all the efforts they have displayed to ensure the best services possible to their citizens.



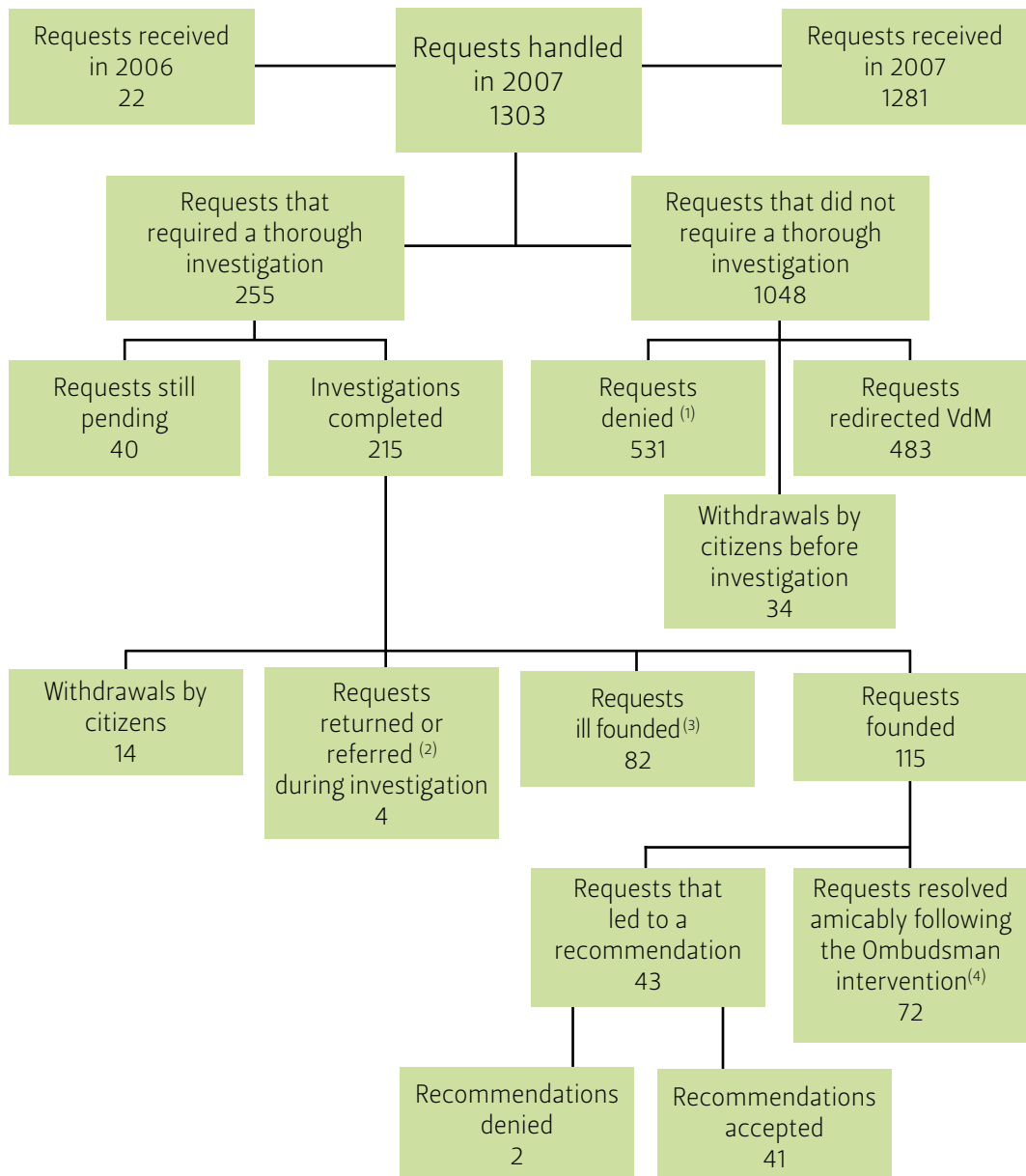
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E. Statistics Tables 2007



TABLE 1
Requests handled in 2007

(Including "Charter files")



- (1) These are generally requests over which the OdM does not have jurisdiction.
- (2) These are requests for which the OdM deemed it preferable to redirect the citizen back to the concerned director, given his willingness to resolve the matter.
- (3) These are requests for which, following an investigation, the OdM decided to end her intervention, for example, if by-laws had been respected. General information is nevertheless provided to the citizen to help him understand or otherwise resolve his problem.
- (4) In these cases, following a discussion with the OdM, the concerned director, voluntarily settled the issue, to the citizen's advantage.

TABLE 2 Subject of requests received

(Including “Charter files”)

SUBJECT	NUMBER OF REQUESTS		
	2005	2006	2007
Access to information	7	23	46
Acquired rights	3	7	5
Alley	3	13	6
Animal	6	21	15
Application of by-laws	12	57	53
Aqueduct / Sewer	6	21	13
Cleanliness	0	0	2
Communications	16	18	15
Conduct of an employee	52	102	94
Conflict of interests	0	0	1
Court decision	3	31	24
Culture	0	4	1
Cycling path	0	4	4
Decision of a borough council	8	8	3
Decision of the City Council	0	7	5
Decision of the Executive Committee	0	28	1
Driveway entrance	1	2	5
Environment / Sustainable development	3	4	3
Evaluation / Real estate tax	13	28	33
Fence	1	9	5
Financial compensation (aqueduct / sewer)	5	9	9
Financial compensation (climate event)	1	3	1
Financial compensation (fall on sidewalk)	4	19	14
Financial compensation (municipal pound)	4	3	8
Financial compensation (municipal works)	2	12	9
Financial compensation (other)	19	40	47

TABLE 2 (continued)
Subject of requests received

(Including “Charter files”)

SUBJECT	NUMBER OF REQUESTS		
	2005	2006	2007
Financial compensation (pothole)	2	11	5
Financial compensation (road incident)	5	11	7
Financial compensation (tree)	1	5	4
Fire / Public safety	4	6	12
Garbage / Recycling	5	35	19
Handicapped person	1	7	7
Human rights	5	14	3
Immigration	1	8	8
Labour relations	13	58	41
Library	1	4	3
Management of underground pipes	1	0	0
Miscellaneous	13	35	42
Municipal court	39	56	54
Noise	16	32	42
Nuisance	1	27	14
Parking / SRRR / Vignettes	25	61	66
Parks and Green spaces	4	8	11
Permit	30	29	49
Pound (other)	1	5	9
Pound (storage of furniture)	43	56	46
Provincial organizations	12	34	55
Public health	12	34	29
Public markets	0	1	0

TABLE 2 (continued)
Subject of requests received

(Including “Charter files”)

SUBJECT	NUMBER OF REQUESTS		
	2005	2006	2007
Public participation	0	0	7
Road works / Public works	20	96	40
Scientific institutions / Jardin botanique	0	2	0
Snow removal	6	14	30
Social housing / HLM / Housing subsidies	16	56	62
Sports and leisure	5	14	18
Subsidy other than housing	11	19	23
Tax (except real estate)	10	11	18
Taxi	1	4	2
Tenant / Landlord relations	15	27	26
Tenders	1	6	2
Towing	0	0	2
Traffic	5	32	16
Transportation	6	19	6
Tree	15	32	33
Universal access	0	0	2
Violation of law	4	21	27
Volunteers	1	2	2
Winter temporary shelter	0	1	1
Zoning / Urban planning / Exemption	20	18	16
TOTAL	541	1384	1281

TABLE 3
Evolution of requests from 2004 to 2007

(Including “Charter files”)

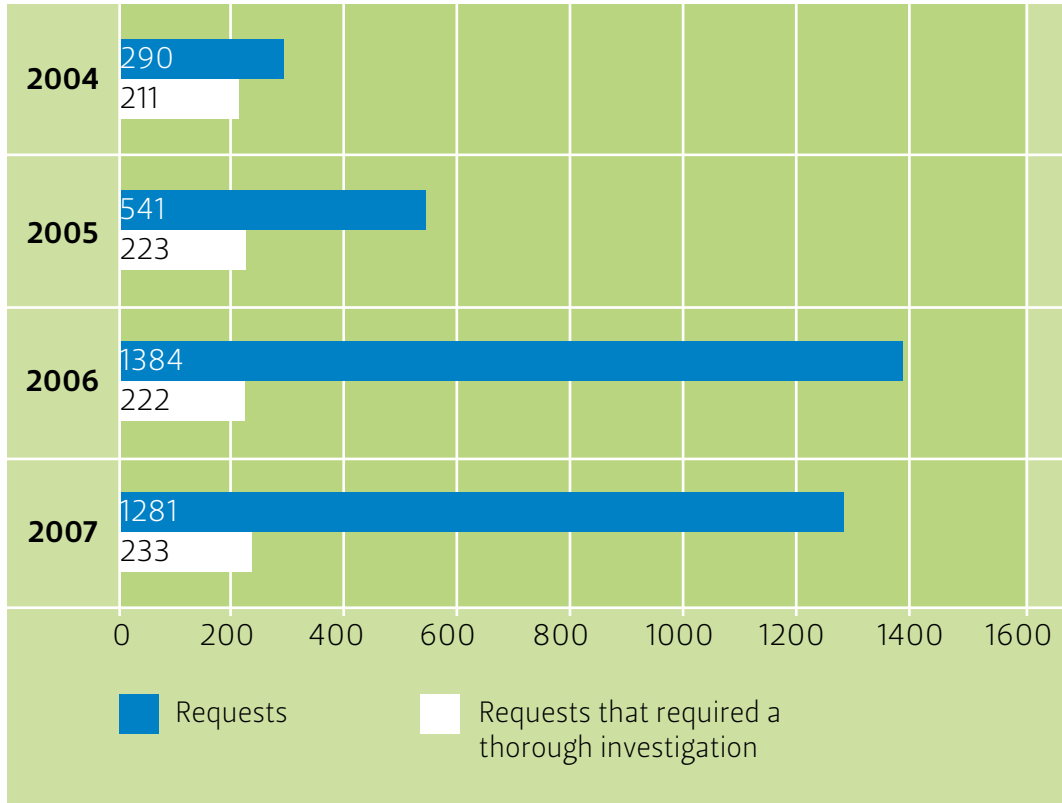


TABLE 4**Number of requests falling under boroughs' jurisdiction***(Including "Charter files")*

BOROUGH	NUMBER		
	2005	2006	2007
Ahuntsic – Cartierville	17	47	38
Anjou	2	15	4
Côte-des-Neiges – Notre-Dame-de-Grâce	17	71	46
Côte-Saint-Luc – Hampstead – Montréal-Ouest ⁽⁵⁾	6	n/a	n/a
Dollard-Des Ormeaux – Roxboro ⁽⁵⁾	1	n/a	n/a
L'Île-Bizard – Sainte-Geneviève – Sainte-Anne-de-Bellevue ⁽⁵⁾	2	n/a	n/a
L'Île-Bizard – Sainte-Geneviève ⁽⁶⁾	n/a	3	4
Lachine	11	17	15
LaSalle	5	15	13
Le Plateau Mont-Royal	21	38	38
Le Sud-Ouest	15	29	34
Mercier – Hochelaga-Maisonneuve	16	59	37
Montréal-Nord	5	8	18
Mont-Royal ⁽⁵⁾	1	n/a	n/a
Outremont	9	8	8
Pierrefonds – Senneville ⁽⁵⁾	5	n/a	n/a
Pierrefonds – Roxboro ⁽⁶⁾	n/a	8	4
Pointe-Claire ⁽⁵⁾	1	n/a	n/a
Rivière-des-Prairies – Pointe-aux-Trembles – Montréal-Est ⁽⁵⁾	14	n/a	n/a
Rivière-des-Prairies – Pointe-aux-Trembles ⁽⁶⁾	n/a	37	19
Rosemont – La Petite-Patrie	14	62	63
Saint-Laurent	7	18	16
Saint-Léonard	1	8	7
Verdun	10	18	7
Ville-Marie	20	60	65
Villeray – Saint-Michel – Parc-Extension	8	36	36
Westmount ⁽⁵⁾	3	n/a	n/a
Special investigations concerning all boroughs	0	1	0
TOTAL	211	558	472

(5) Borough demerged from Ville de Montréal, since January 1, 2006.

(6) New borough of Ville de Montréal, since January 1, 2006.

TABLE 5

Requests falling under boroughs' jurisdiction –
By subject
(Including "Charter files")

BOROUGH	SUBJECT	NUMBER	%
Ahuntsic – Cartierville	Animal	3	7.90
	Alley	1	2.63
	Application of by-laws	4	10.53
	Decision of the Borough Council	2	5.26
	Financial compensation (other)	1	2.63
	Garbage / Recycling	2	5.26
	Noise	4	10.53
	Parking / SRRR / Vignettes	1	2.63
	Public health	1	2.63
	Public participation	1	2.63
	Road works / Public works	5	13.16
	Sports and Leisure	1	2.63
	Traffic	1	10.53
	Tree	10	26.31
	Volunteers	1	2.63
TOTAL		38	100%
Anjou	Access to information	1	25.00
	Noise	1	25.00
	Traffic	2	50.00
	TOTAL		4

TABLE 5 (continued)

Requests falling under boroughs' jurisdiction –
By subject
(Including "Charter files")

BOROUGH	SUBJECT	NUMBER	%
Côte-des-Neiges – Notre-Dame-de-Grâce	Acquired rights	1	2.17
	Animal	1	2.17
	Application of by-laws	7	15.22
	Cleanliness	1	2.17
	Communications	2	4.35
	Conduct of an employee	1	2.17
	Fire / Public safety	1	2.17
	Garbage / Recycling	2	4.35
	Library	1	2.17
	Noise	6	13.05
	Nuisance	2	4.35
	Parking / SRRR / Vignettes	2	4.35
	Permit	2	4.35
	Public health	6	13.05
	Road works / Public works	6	13.05
	Sports and Leisure	2	4.35
	Traffic	1	2.17
Tree	2	4.35	
TOTAL		46	100%
L'Île-Bizard – Sainte-Geneviève	Aqueduct / Sewer	2	50.00
	Parks and Green spaces	1	25.00
	Sports and Leisure	1	25.00
TOTAL		4	100%
Lachine	Animal	2	13.34
	Application of by-laws	3	20.00
	Conduct of an employee	2	13.34
	Garbage / Recycling	1	6.66
	Parking / SRRR / Vignettes	1	6.66
	Parks and Green spaces	2	13.34
	Public health	1	6.66
	Snow removal	1	6.66
	Traffic	1	6.66
	Zoning / Urban planning / Exemption	1	6.66
TOTAL		15	100%

TABLE 5 (continued)
Requests falling under boroughs' jurisdiction –
By subject
(Including “Charter files”)

BOROUGH	SUBJECT	NUMBER	%
LaSalle	Access to information	2	15.25
	Animal	3	23.07
	Miscellaneous	1	7.77
	Parks and Green spaces	3	23.07
	Permit	1	7.77
	Zoning / Urban planning / Exemption	3	23.07
	TOTAL		13
Le Plateau Mont-Royal	Access to information	2	5.27
	Acquired rights	2	5.27
	Alley	1	2.63
	Animal	3	7.89
	Application of by-laws	3	7.89
	Aqueduct / Sewer	2	5.27
	Conduct of an employee	1	2.63
	Culture	1	2.63
	Cycling path	1	2.63
	Decision of the Borough Council	1	2.63
	Fire / Public safety	1	2.63
	Garbage / Recycling	1	2.63
	Noise	6	15.79
	Parking / SRRR / Vignettes	3	7.89
	Permit	4	10.52
	Road works / Public works	2	5.27
	Snow removal	1	2.63
	Sports and Leisure	2	5.27
	Zoning / Urban planning / Exemption	1	2.63
	TOTAL		38

TABLE 5 (continued)
Requests falling under boroughs' jurisdiction –
By subject
(Including “Charter files”)

BOROUGH	SUBJECT	NUMBER	%
Le Sud-Ouest	Access to information	1	2.94
	Application of by-laws	2	5.89
	Aqueduct / Sewer	1	2.94
	Conduct of an employee	1	2.94
	Conflict of interests	1	2.94
	Environment / Sustainable development	1	2.94
	Fence	2	5.89
	Garbage / Recycling	2	5.89
	Handicapped person	3	8.82
	Parking / SRRR / Vignettes	3	8.82
	Parks and Green spaces	2	5.89
	Permit	4	11.76
	Public participation	2	5.88
	Road works / Public works	2	5.88
	Snow removal	1	2.94
	Sports and Leisure	1	2.94
	Traffic	1	2.94
	Tree	3	8.82
	Winter temporary shelter	1	2.94
Zoning / Urban planning / Exemption	1	2.94	
TOTAL		34	100 %
Mercier – Hochelaga-Maisonneuve	Access to information	1	2.71
	Garbage / Recycling	2	5.41
	Noise	1	2.70
	Nuisance	3	8.10
	Parking / SRRR / Vignettes	3	8.10
	Parks and Green spaces	3	8.10
	Permit	4	10.81
	Public health	1	2.70
	Road works / Public works	6	16.23
	Snow removal	1	2.71
	Sports and Leisure	2	5.41
	Traffic	2	5.41
	Tree	5	13.51
	Zoning / Urban planning / Exemption	3	8.10
TOTAL		37	100 %

TABLE 5 (continued)
Requests falling under boroughs' jurisdiction –
By subject
(Including “Charter files”)

BOROUGH	SUBJECT	NUMBER	%
Montréal-Nord	Access to information	1	5.56
	Animal	1	5.56
	Application of by-laws	1	5.56
	Conduct of an employee	1	5.56
	Driveway entrance	1	5.56
	Fence	1	5.56
	Parking / SRRR / Vignettes	3	16.66
	Pound (storage of furniture)	1	5.56
	Public health	6	33.33
	Snow removal	2	11.11
	TOTAL		18
Outremont	Application of by-laws	1	12.50
	Cleanliness	1	12.50
	Permit	3	37.50
	Road works / Public works	2	25.00
	Zoning / Urban Planning / Exemption	1	12.50
TOTAL		8	100%
Pierrefonds – Roxboro	Communications	1	25.00
	Fence	1	25.00
	Road work / Public works	1	25.00
	Traffic	1	25.00
TOTAL		4	100%
Rivière-des-Prairies- Pointe-aux-Trembles	Alley	1	5.26
	Application of by-laws	2	10.53
	Aqueduct / Sewer	2	10.53
	Garbage / Recycling	1	5.26
	Noise	3	15.79
	Parking / SRRR / Vignettes	1	5.26
	Permit	1	5.26
	Public participation	1	5.26
	Tree	4	21.06
	Universal access	2	10.53
	Volunteers	1	5.26
TOTAL		19	100%

TABLE 5 (continued)

Requests falling under boroughs' jurisdiction –
By subject
(Including "Charter files")

BOROUGH	SUBJECT	NUMBER	%
Rosemont – La Petite-Patrie	Access to information	3	4.76
	Alley	2	3.18
	Application of by-laws	3	4.76
	Aqueduct / Sewer	1	1.58
	Conduct of an employee	2	3.18
	Cycling path	1	1.58
	Decision of the Borough Council	1	1.58
	Driveway entrance	3	4.76
	Garbage / Recycling	2	3.18
	Noise	4	6.35
	Nuisance	1	1.58
	Parking / SRRR / Vignettes	5	7.95
	Permit	5	7.95
	Public health	1	1.58
	Road works / Public works	9	14.28
	Snow removal	13	20.64
	Sports and Leisure	3	4.76
	Tenders	1	1.58
	Tree	1	1.58
	Zoning / Urban planning / Exemption	2	3.18
TOTAL		63	100%
Saint-Laurent	Driveway entrance	1	6.25
	Fence	1	6.25
	Library	1	6.25
	Permit	5	31.25
	Road works / Public works	2	12.50
	Snow removal	3	18.75
	Sports and Leisure	1	6.25
	Traffic	1	6.25
	Zoning / Urban planning / Exemption	1	6.25
TOTAL		16	100%

TABLE 5 (continued)
Requests falling under boroughs' jurisdiction –
By subject
(Including “Charter files”)

BOROUGH	SUBJECT	NUMBER	%
Saint-Léonard	Access to information	1	14.29
	Acquired rights	1	14.29
	Aqueduct / Sewer	1	14.29
	Communications	1	14.29
	Permit	1	14.29
	Tree	2	28.57
	TOTAL	7	100%
Verdun	Application of by-laws	2	28.57
	Garbage / Recycling	2	28.57
	Permit	1	14.29
	Tree	1	14.29
	Zoning / Urban planning / Exemption	1	14.29
	TOTAL	7	100%
Ville-Marie	Access to information	2	3.08
	Acquired rights	1	1.54
	Alley	1	1.54
	Animal	1	1.54
	Application of by-laws	5	7.69
	Aqueduct / Sewer	1	1.54
	Cleanliness	1	1.54
	Conduct of an employee	2	3.08
	Garbage / Recycling	3	4.61
	Handicapped person	1	1.54
	Noise	10	15.38
	Nuisance	5	7.69
	Parking / SRRR / Vignettes	5	7.69
	Permit	12	18.47
	Public health	5	7.69
	Public participation	2	3.08
	Road work / Public works	4	6.16
	Snow removal	1	1.54
	Traffic	2	3.08
	Tree	1	1.54
	TOTAL	65	100%

TABLE 5 (continued)
Requests falling under boroughs' jurisdiction –
By subject
(Including “Charter files”)

BOROUGH	SUBJECT	NUMBER	%
Villeray – Saint-Michel – Parc-Extension	Access to information	3	8.34
	Application of by-laws	2	5.55
	Aqueduct / Sewer	2	5.55
	Conduct of an employee	3	8.34
	Fire / Public safety	1	2.77
	Garbage / Recycling	1	2.77
	Handicapped person	1	2.77
	Noise	2	5.55
	Parking / SRRR / Vignettes	5	13.89
	Permit	2	5.55
	Public health	4	11.12
	Public participation	1	2.77
	Snow removal	2	5.55
	Sports and Leisure	4	11.12
	Traffic	2	5.55
	Tree	1	2.77
	TOTAL		36

TABLE 6

**Results of requests falling under boroughs' jurisdiction
Completed files
(Including "Charter files")**

BOROUGH	TOTAL NUMBER	WITHDRAWALS BY CITIZENS BEFORE INVESTIGATION	REQUESTS REFERRED VDM BEFORE INVESTIGATION	REQUESTS DENIED BEFORE INVESTIGATION	WITHDRAWALS BY CITIZENS DURING INVESTIGATION	REQUESTS REDIRECTED DURING INVESTIGATION	REQUESTS ILL FOUNDED	RESOLVED BY MEDIATION	RECOMMENDATION
Ahuntsic – Cartierville	35	1	25	2	1	0	5	1	0
Anjou	2	0	0	1	0	0	0	1	0
Côte-des-Neiges – Notre-Dame-de-Grâce	42	1	28	3	0	0	2	8	0
L'Île-Bizard – Sainte-Geneviève	4	2	2	0	0	0	0	0	0
Lachine	15	0	10	2	0	0	1	2	0
LaSalle	11	1	4	3	0	0	1	2	0
Le Plateau Mont-Royal	36	0	25	3	0	0	4	4	0
Le Sud-Ouest	31	1	24	1	0	0	5	0	0
Mercier – Hochelaga-Maisonneuve	37	2	30	2	0	0	1	2	0
Montréal-Nord	18	1	14	1	0	0	0	2	0
Outremont	7	0	7	0	0	0	0	0	0
Pierrefonds – Roxboro	4	0	3	1	0	0	0	0	0
Rivière-des-Prairies – Pointe-aux-Trembles	17	1	10	3	0	0	1	2	0
Rosemont – La Petite-Patrie	63	2	45	8	0	0	5	3	0
Saint-Laurent	15	0	11	0	1	0	1	2	0
Saint-Léonard	7	0	7	0	0	0	0	0	0
Verdun	6	0	4	0	0	0	2	0	0
Ville-Marie	60	3	38	9	2	0	4	4	0
Villeray – Saint-Michel – Parc-Extension	35	0	24	3	1	0	1	5	1
GRAND TOTAL	445	15	311	42	5	0	33	38	1

TABLE 7

Number of requests falling under central departments' jurisdiction (Including "Charter files")

DEPARTMENT	NUMBER		
	2005	2006	2007
Affaires corporatives			
Direction des affaires pénales et criminelles	48	83	76
Direction du contentieux	38	91	68
Direction du greffe	1	8	5
Direction de l'administration et du soutien opérationnel (municipal pound)	44	59	48
Direction de l'évaluation foncière	0	5	16
Direction générale			
Direction des communications et des relations avec les citoyens	11	4	3
Finances			
Direction des revenus et de la planification fiscale	25	31	34
Direction de la comptabilité et du contrôle financier	0	2	1
Développement culturel, qualité du milieu de vie et diversité ethnoculturelle			
Direction du développement culturel et des bibliothèques	1	5	2
Direction des sports, loisirs, parcs et espaces verts	3	6	4
Direction des Muséums nature de Montréal	0	3	0
Direction des affaires interculturelles	0	1	2
Direction de la sécurité du revenu et du développement social	0	1	1
Direction des événements et équipements – Ville	0	0	1
Capital humain			
All departments included	12	42	33
Mise en valeur du territoire et du patrimoine			
Direction des immeubles	1	5	3
Bureau du patrimoine, de la toponymie et de l'expertise ⁽⁷⁾	n/a	n/a	1
Direction de projets	11	16	19
Direction planification et interventions stratégiques	0	1	0

(7) New direction in Ville de Montréal, since 2007.

TABLE 7 (continued)
**Number of requests falling under
 central departments' jurisdiction**
(Including "Charter files")

DEPARTMENT	NUMBER		
	2005	2006	2007
Infrastructures, transport et environnement			
Direction de l'administration et du soutien technique (Parking agents)	16	39	n/a ⁽⁸⁾
Direction de l'environnement	2	3	1
Direction du transport	1	1	3
Direction de l'ingénierie de voirie	0	1	1
Direction de l'eau	0	0	2
Police			
Direction des communications d'urgence et du Bureau du taxi et du remorquage	3	3	11
Direction du service de police	13	46	86
Direction des opérations corporatives	n/a	n/a	36 ⁽⁹⁾
Sécurité incendie de Montréal			
All departments included	1	5	11
TOTAL	231	461	468

(8) This direction no longer exists in Ville de Montréal : (See notice 9).

(9) Files concerning "Parking agents": (See notice 8).

TABLE 8**Requests falling under central departments' jurisdiction****By subject***(Including "Charter files")*

DEPARTMENT / SUBJECT	NUMBER (2007)	%
Affaires corporatives		
Direction des affaires pénales et criminelles		
Access to information	2	0.94
Conduct of an employee	2	0.94
Court decision	18	8.45
Municipal court	54	25.35
Direction du contentieux		
Access to information	1	0.47
Communications	1	0.47
Financial compensation (aqueduct / sewer)	8	3.75
Financial compensation (climate event)	1	0.47
Financial compensation (fall on sidewalk)	14	6.57
Financial compensation (municipal pound)	8	3.75
Financial compensation (municipal work)	9	4.23
Financial compensation (other)	12	5.63
Financial compensation (pothole)	5	2.35
Financial compensation (road incident)	6	2.82
Financial compensation (tree)	2	0.94
Miscellaneous	1	0.47
Direction du greffe		
Access to information	5	2.35
Direction de l'administration et du soutien opérationnel (municipal pound)		
Pound (other)	3	1.40
Pound (storage of furniture)	45	21.13
Direction de l'évaluation foncière		
Evaluation / Real estate tax	16	7.52
TOTAL	213	100
Direction générale		
Direction des communications et des relations avec les citoyens		
Communications	1	33.33
Conduct of an employee	2	66.67
TOTAL	3	100

TABLE 8 (continued)
Requests falling under central departments' jurisdiction
By subject
(Including "Charter files")

DEPARTMENT / SUBJECT	NUMBER (2007)	%
Finances		
Direction des revenus et de la planification fiscale		
Application of by-laws	2	5.72
Evaluation / Real estate tax	16	45.72
Tax (except real estate)	15	42.86
Zoning / Urban planning / Exemption	1	2.85
Direction de la comptabilité et du contrôle financier		
Miscellaneous	1	2.85
TOTAL	35	100
Développement culturel, qualité du milieu de vie et diversité ethnoculturelle		
Direction du développement culturel et des bibliothèques		
Library	1	10.00
Subsidy other than housing	1	10.00
Direction des sports, loisirs, parcs et espaces verts		
Parks and Green spaces	4	40.00
Direction des affaires interculturelles		
Access to information	1	10.00
Subsidy other than housing	1	10.00
Direction de la sécurité du revenu et du développement social		
Conduct of an employee	1	10.00
Direction des événements et équipements – Ville		
Nuisance	1	10.00
TOTAL	10	100
Capital humain		
All departments included		
Labour relations	33	100
TOTAL	33	100

TABLE 8 (continued)
Requests falling under central departments' jurisdiction
By subject
(Including "Charter files")

DEPARTMENT / SUBJECT	NUMBER (2007)	%
Mise en valeur du territoire et du patrimoine		
Direction des immeubles		
Conduct of an employee	1	4.35
Financial compensation (other)	1	4.35
Tenders	1	4.35
Bureau du patrimoine, de la toponymie et de l'expertise		
Fire / Public safety	1	4.35
Direction de projets		
Conduct of an employee	1	4.35
Handicapped person	1	4.35
Subsidy other than housing	17	73.91
TOTAL	23	100
Infrastructures, transport et environnement		
Direction de l'environnement		
Conduct of an employee	1	14.28
Direction du transport		
Cycling path	2	28.60
Traffic	1	14.28
Direction de l'ingénierie de voirie		
Road works / Public works	1	14.28
Direction de l'eau		
Aqueduct / Sewer	1	14.28
Communications	1	14.28
TOTAL	7	100
Police		
Direction des communications d'urgence et du Bureau du taxi et du remorquage		
Application of by-laws	2	1.50
Human rights	1	0.75
Pound (other)	4	3.00
Taxi	2	1.50
Towing	2	1.50

TABLE 8 (continued)
Requests falling under central departments' jurisdiction
By subject
(Including "Charter files")

DEPARTMENT / SUBJECT	NUMBER (2007)	%
Direction du service de police		
Access to information	7	5.26
Alley	1	0.75
Application of by-laws	6	4.51
Communications	2	1.50
Conduct of an employee	33	24.82
Financial compensation (other)	2	1.50
Fire / Public safety	3	2.26
Miscellaneous	1	0.75
Noise	1	0.75
Parking / SRRR / Vignettes	3	2.26
Pound (other)	2	1.50
Traffic	1	0.75
Violation of law	24	18.05
Direction des opérations corporatives		
Application of by-laws	2	1.50
Conduct of an employee	7	5.26
Parking / SRRR / Vignettes	26	19.55
Traffic	1	0.75
TOTAL	133	100
Sécurité incendie de Montréal		
All Departments included		
Access to information	2	18.18
Conduct of an employee	1	9.09
Financial compensation (other)	1	9.09
Fire / Public safety	7	63.64
TOTAL	11	100

TABLE 9

Results of requests falling under central departments' jurisdiction – Completed files
(Including “Charter files”)

DEPARTMENT	TOTAL NUMBER	WITHDRAWALS BY CITIZENS BEFORE INVESTIGATION	REQUESTS REFERRED VDM BEFORE INVESTIGATION	REQUESTS DENIED BEFORE INVESTIGATION	WITHDRAWALS BY CITIZENS DURING INVESTIGATION	REQUESTS REDIRECTED DURING INVESTIGATION	REQUESTS ILL. FOUNDED	RESOLVED BY MEDIATION	RECOMMENDATION
Affaires corporatives									
Direction des affaires pénales et criminelles	74	3	31	26	1	0	8	5	0
Direction du contentieux	67	1	6	53	1	0	5	1	0
Direction du greffe	5	0	0	5	0	0	0	0	0
Direction de l'administration et du soutien opérationnel (municipal pound)	45	2	1	1	2	0	2	1	36
Direction de l'évaluation foncière	16	0	8	6	1	0	1	0	0
TOTAL	207	6	46	91	5	0	16	7	36
Direction générale									
Direction des communications et des relations avec les citoyens	3	0	3	0	0	0	0	0	0
TOTAL	3	0	3	0	0	0	0	0	0
Finances									
Direction des revenus et de la planification fiscale	33	1	20	2	0	0	7	3	0
Direction de la comptabilité et du contrôle financier	1	0	0	1	0	0	0	0	0
TOTAL	34	1	20	3	0	0	7	3	0

TABLE 9 (continued)
**Results of requests falling under central departments’
jurisdiction – Completed files**
(Including “Charter files”)

DEPARTMENT	TOTAL NUMBER	WITHDRAWALS BY CITIZENS BEFORE INVESTIGATION	REQUESTS REFERRED VDM BEFORE INVESTIGATION	REQUESTS DENIED BEFORE INVESTIGATION	WITHDRAWALS BY CITIZENS DURING INVESTIGATION	REQUESTS REDIRECTED DURING INVESTIGATION	REQUESTS ILL. FOUNDED	RESOLVED BY MEDIATION	RECOMMENDATION
Développement culturel, qualité du milieu de vie et diversité ethnoculturelle									
Direction du développement culturel et des bibliothèques	2	0	2	0	0	0	0	0	0
Direction des sports, loisirs, parcs et espaces verts	3	0	2	0	0	0	0	1	0
Direction des affaires interculturelles	2	0	2	0	0	0	0	0	0
Direction de la sécurité du revenu et du développement social	1	0	1	0	0	0	0	0	0
Direction des événements et équipements – Ville	1	0	0	0	0	0	0	1	0
TOTAL	9	0	7	0	0	0	0	2	0
Capital humain									
All departments included	33	0	0	33	0	0	0	0	0
TOTAL	33	0	0	33	0	0	0	0	0
Mise en valeur du territoire et du patrimoine									
Direction des immeubles	3	0	0	2	0	0	1	0	0
Bureau du patrimoine, de la toponymie et de l’expertise	1	0	0	0	0	0	1	0	0
Direction de projets	19	1	6	2	0	0	5	5	0
TOTAL	23	1	6	4	0	0	7	5	0

TABLE 9 (continued)

Results of requests falling under central departments' jurisdiction – Completed files
(Including “Charter files”)

DEPARTMENT	TOTAL NUMBER	WITHDRAWALS BY CITIZENS BEFORE INVESTIGATION	REQUESTS REFERRED VDM BEFORE INVESTIGATION	REQUESTS DENIED BEFORE INVESTIGATION	WITHDRAWALS BY CITIZENS DURING INVESTIGATION	REQUESTS REDIRECTED DURING INVESTIGATION	REQUESTS ILL-FOUNDED	RESOLVED BY MEDIATION	RECOMMENDATION
Infrastructures, transport et environnement									
Direction de l'environnement	1	0	0	1	0	0	0	0	0
Direction du transport	3	1	1	0	0	0	1	0	0
Direction de l'ingénierie de voirie	1	0	1	0	0	0	0	0	0
Direction de l'eau	2	0	2	0	0	0	0	0	0
TOTAL	7	1	4	1	0	0	1	0	0
Service de police									
Direction des communications d'urgence et du Bureau du taxi et du remorquage	10	1	4	0	0	0	3	1	1
Direction du service de police	81	0	10	64	1	2	3	0	1
Direction des opérations corporatives	34	0	10	21	0	0	2	1	0
TOTAL	125	1	24	85	1	2	8	2	2
Sécurité incendie de Montréal									
All departments included	11	0	7	2	0	1	0	1	0
TOTAL	11	0	7	2	0	1	0	1	0
GRAND TOTAL	452	10	117	219	6	3	39	20	38

TABLE 10

Number of requests concerning para-municipal agencies,
City-controlled corporations or other organizations
or corporations
(Including "Charter files")

ENTITY	NUMBER		
	2005	2006	2007
Commission des services électriques de Montréal	1	0	1
Corporation Anjou 80	1	0	1
Corporation de gestion des marchés publics	0	0	1
Corporation des habitations Jeanne-Mance	1	0	0
Office municipal d'habitation de Montréal	16	60	62
Société du parc Jean-Drapeau	0	2	4
Société d'habitation et de développement de Montréal	2	4	14
Société de transport de Montréal	12	20	18
Société en commandite Stationnement de Montréal	1	7	7
Private pound ⁽¹⁰⁾	0	0	1
TOTAL	34	93	109

(10) Most of private pound files fell under the SPVM's jurisdiction.

TABLE 11

Requests concerning para-municipal agencies,
City-controlled corporations
or other organizations or corporations – By subject
(Including “Charter files”)

ENTITY	SUBJECT	NUMBER (2007)	%
Commission des services électriques de Montréal	Miscellaneous	1	100
	TOTAL	1	100
Corporation Anjou 80	Access to information	1	100
	TOTAL	1	100
Corporation de gestion des marchés publics	Conduct of an employee	1	100
	TOTAL	1	100
Office municipal d’habitation de Montréal	Communications	1	1.61
	Conduct of an employee	1	1.61
	Financial compensation (tree)	1	1.61
	Fire / Public safety	1	1.61
	Noise	1	1.61
	Nuisance	2	3.23
	Public health	2	3.23
	Social housing /HLM / Housing subsidies	51	82.26
	Tree	2	3.23
TOTAL	62	100	
Société du parc Jean-Drapeau	Application of by-laws	1	25.00
	Financial compensation (other)	1	25.00
	Labour relations	2	50.00
TOTAL	4	100	

TABLE 11 (continued)
 Requests concerning para-municipal agencies,
 City-controlled corporations
 or other organizations or corporations – By subject
 (Including “Charter files”)

ENTITY	SUBJECT	NUMBER (2007)	%
Société d'habitation et de développement de Montréal	Application of by-laws	1	7.15
	Social housing / HLM / Housing subsidies	7	50.00
	Subsidy other than housing	4	28.57
	Tree	2	14.28
TOTAL		14	100
Société de transport de Montréal	Application of by-laws	4	22.22
	Conduct of an employee	2	11.11
	Financial compensation (other)	5	45.45
	Labour relations	1	9.09
	Transportation	6	54.54
TOTAL		18	100
Société en commandite Stationnement de Montréal	Access to information	1	14.29
	Financial compensation (other)	1	14.29
	Parking / SRRR / Vignettes	4	57.13
	Snow removal	1	14.29
TOTAL		7	100
Private pound	Pound (other)	1	100
TOTAL		1	100

TABLE 12

Results of requests concerning para-municipal agencies, City-controlled corporations or other organizations or corporations – Completed files
(Including “Charter files”)

ENTITY	TOTAL NUMBER	WITHDRAWALS BY CITIZENS BEFORE INVESTIGATION	REQUESTS REFERRED VDM BEFORE INVESTIGATION	REQUESTS DENIED BEFORE INVESTIGATION	WITHDRAWALS BY CITIZENS DURING INVESTIGATION	REQUESTS REDIRECTED DURING INVESTIGATION	REQUESTS ILL-FOUNDED	RESOLVED BY MEDIATION	RECOMMENDATION
Commission des services électriques de Montréal	1	0	1	0	0	0	0	0	0
Corporation Anjou 80	1	0	1	0	0	0	0	0	0
Corporation de gestion des marchés publics de Montréal	1	1	0	0	0	0	0	0	0
Office municipal d'habitation de Montréal	58	6	35	10	1	0	2	4	0
Société du parc Jean-Drapeau	4	0	0	3	0	0	0	1	0
Société d'habitation et de développement de Montréal	14	2	11	0	0	0	0	1	0
Société de transport de Montréal	18	0	0	18	0	0	0	0	0
Société en commandite Stationnement de Montréal	7	0	3	2	0	0	0	2	0
Private pound	1	0	0	0	0	0	0	0	1
GRAND TOTAL	105	9	51	33	1	0	2	8	1

TABLE 13Number of requests concerning political entities ⁽¹¹⁾*(Including "Charter files")*

ENTITY	2006	2007
Agglomeration Council	1	0
City Council	10	8
Executive Committee	33	6
Mayor's Office	2	0
TOTAL	46	14

(11) Requests concerning a borough council are included in tables 4,5 and 6.

TABLE 14**Requests concerning political entities – By subject***(Including “Charter files”)*

ENTITY	SUBJECT	NUMBER (2007)	%
City Council	Access to information	1	12.50
	Conduct of an employee	2	25.00
	Decision of the City Council	4	50.00
	Parking / SRRR / Vignettes	1	12.50
	TOTAL	8	100
Executive Committee	Decision of the Executive Committee	1	16.67
	Parking / SRRR / Vignettes	1	16.67
	Parks and Green spaces	1	16.67
	Snow removal	3	50.00
	TOTAL	6	100

TABLE 15
Results of requests concerning political entities
Completed files
(Including “Charter files”)

ENTITY	TOTAL NUMBER	WITHDRAWALS BY CITIZENS BEFORE INVESTIGATION	REQUESTS REFERRED VDM BEFORE INVESTIGATION	REQUESTS DENIED BEFORE INVESTIGATION	WITHDRAWALS BY CITIZENS DURING INVESTIGATION	REQUESTS REDIRECTED DURING INVESTIGATION	REQUESTS ILL FOUNDED	RESOLVED BY MEDIATION	RECOMMENDATION
City Council	8	0	1	6	0	0	1	0	0
Executive Committee	5	0	1	4	0	0	0	0	0
GRAND TOTAL	13	0	2	10	0	0	1	0	0

TABLE 16
Final settlement or final response period

(Including "Charter files")

A. All requests included

	2005	%	2006	%	2007	%
1 to 2 working days	362	66.91	1142	82.51	1055	82.36
5 working days	36	6.65	47	3.40	33	2.57
10 working days	26	4.80	33	2.38	22	1.72
1 month	43	7.95	39	2.82	38	2.96
2 months	30	5.55	62	4.48	48	3.75
3 months	21	3.88	26	1.88	23	1.79
4 months	5	0.93	10	0.72	8	0.62
5 months or more	18	3.33	25	1.81	14	1.10
Files still pending as of January 1, 2008	0	0.00	0	0.00	40	3.13
TOTAL	541	100%	1384	100%	1281	100%

B. Requests that required thorough investigation

	2005	%	2006	%	2007	%
1 to 2 working days	29	14.01	28	12.61	20	8.59
5 working days	36	17.39	16	7.21	24	10.30
10 working days	25	12.08	21	9.36	18	7.72
1 month	43	20.77	37	16.67	38	16.30
2 months	30	14.49	60	27.03	48	20.60
3 months	51	10.14	26	11.71	23	9.88
4 months	5	2.42	10	4.50	8	3.43
5 months or more	18	8.70	24	10.81	14	6.01
Files still pending as of January 1, 2008	0	0.00	0	0.00	40	17.17
TOTAL	207	100%	222	100%	233	100%

TABLE 17
Submission of requests (mode)

MODE	NUMBER IN 2006	%	NUMBER IN 2007	%
E-mail	148	10.70	119	9.28
Fax	93	6.72	44	3.43
In person	125	9.03	190	14.83
Mail	102	7.37	81	6.33
Telephone	916	66.18	847	66.13
TOTAL	1384	100%	1281	100%

TABLE 18
Demographic datas

A. Gender

GENDER	NUMBER	%
Man	677	52.85
Woman	604	47.15
TOTAL	1281	100

B. Language

LANGUAGE	NUMBER	%
English	222	17.33
French	1059	82.67
TOTAL	1281	100

C. Age group ⁽¹²⁾

AGE GROUP	NUMBER	%
18–25	2	0.15
26–50	666	51.99
51–64	214	16.71
65 or more	107	8.35
Unknown	292	22.80
TOTAL	1281	100

D. Origin ⁽¹³⁾

ORIGIN	NUMBER	%
Canadian	828	64.64
Ethnocultural or visible minority	208	16.24
Unknown	245	19.12
TOTAL	1281	100

(12) This information has been provided on a voluntary basis: 77% of respondents have confirmed their age group.

(13) This information has been provided on a voluntary basis: 81% of respondents have given this information.

V Summary of the OMBUDSMAN DE MONTRÉAL Recommendations in 2007 – All files included

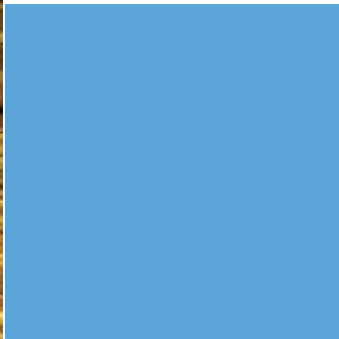
Our office is a strong promoter of alternative approaches towards the resolution of conflicts, through mediation, negotiation and mutual agreement. In the majority of cases where we conclude in favor of the citizen, the concerned borough or department agrees to resolve the issue, on a voluntary basis.

Thus, formal **RECOMMENDATIONS** by the Ombudsman remain the exception. The Ombudsman will issue one when a director needs it to justify an exception to a usual policy or practice or when our efforts failed to generate the level of collaboration which would have led to the amicable settlement of the problem we have identified.

In 2007, the **OMBUDSMAN DE MONTRÉAL** issued 48 formal **RECOMMENDATIONS**, in 43 different files. Here is a short outline of these **RECOMMENDATIONS**:

- Formal **RECOMMENDATION** to Arrondissement de Ville-Marie, to try and settle the excessive noises generated by Boris Bistro terrace. Our recommendation was never accepted but the borough finally agreed to collaborate otherwise. File based on the *Charter* – to be continued.
- Formal **RECOMMENDATION** to Arrondissement de Villeray – Saint-Michel – Parc-Extension to cancel the two years expulsion from Le Michelois community garden of a citizen and her spouse/co-gardener, because the borough had not respected its own procedure. Recommendation rejected.
- Formal **RECOMMENDATION** to Arrondissement d'Anjou to remove a speed bump that had been installed in front of the citizen's residence, without any prior study as to the relevancy of a speed bump in that location. File based on the *Charter* – Recommendation accepted.
- Formal **RECOMMENDATION** to *Groupe Direct* private pound and to SPVM to immediately suspend any and all proceedings for the disposal of a vehicle that had been seized for the illegal operation of a taxi service. Recommendation accepted by both concerned entities.
- Formal **RECOMMENDATION** to the Division du transport, de la fourrière et de la disposition in order to allow a citizen to recover her car which had been towed and stored at the municipal pound by mistake, without paying the towing and storage fees. Recommendation accepted.
- Formal **RECOMMENDATION** to the Division du transport, de la fourrière et de la disposition to allow a citizen to recover, without costs, the toolbox which was stored with his furniture and personal belongings, at the municipal pound. Recommendation accepted.
- 42 Formal **RECOMMENDATIONS** to the Division du transport, de la fourrière et de la disposition to reduce the amounts charged to citizens to recover their furniture stored at the municipal pound, following their eviction OR to extend, for a reasonable period, the storage of their belongings: all of these Recommendations were accepted.





VI The OMBUDSMAN DE MONTRÉAL action plan for 2008

“*Maintaining the course on justice and harmony*” is the theme under which the OMBUDSMAN DE MONTRÉAL team have started to work, in 2008.

Structure and Organization

The entire OMBUDSMAN DE MONTRÉAL team will continue to:

- Treat with justice and equity all people concerned with a file;
- Offer an attentive and personalized service to citizens;
- Protect, as much as possible, the confidentiality of information gathered during its investigations;
- Show rigor and exemplary ethic in the performance of its duties;
- Ensure a rigorous follow-up of all files;
- Promote balance between citizen’s rights and municipal responsibilities; and
- Ensure the respect, by employees, municipal representatives and elected officials, of the commitments contained in the *Montréal Charter of Rights and Responsibilities*.

Unfortunately, our offices no longer meet our needs and, for more than a year, we have multiplied our requests asking that this situation be resolved. We sincerely hope that in 2008, Ville de Montréal will find a viable solution to relocate us in City Hall, in offices which will allow us to:

- proceed with the hiring of additional staff much needed;
- keep our easy access to citizens, including those with physical limitations;
- offer a safe work environment to all of our employees; and
- protect the confidential nature of our meetings with citizens and municipal representatives.

Training

Beyond ensuring the quality of “customer service”, our office often intervenes in regards to delicate and complex matters, such as fundamental rights, reasonable accommodation, protection of the environment, recycling, protection of cultural, natural or built patrimony, water management, universal access, security, access to municipal services, and much more.

The spectrum of our activities is very wide and the OMBUDSMAN DE MONTRÉAL team must, therefore, pursue its efforts to update its knowledge and understanding in all the fields it may be called upon to investigate. Ongoing training remains a priority to maintain the top quality of our services and the efficiency of our interventions.

Web Site

The **OMBUDSMAN DE MONTRÉAL** Web site has much evolved since it was first put online, in 2004. Citizens' ideas, in this regard, are greatly appreciated.

People can find more and more information regarding our mandate and our actions together with new capsules of popularization on common notions which we have recently added (Frequently Asked Questions).

In 2008, the **OMBUDSMAN DE MONTRÉAL** team will continue its work in this regard in order to make its Web site a place where even more citizens will find relevant information on subjects of interest, in simple terms.

Promoting the OMBUDSMAN DE MONTRÉAL services

In 2008, the **OMBUDSMAN DE MONTRÉAL** will continue to promote the existence of her office to still make it better known and to facilitate access to her services, notably via:

- Her participation in general public activities;
- Meetings with community groups and with ethno-cultural representatives;
- Regular contacts with groups for the defence of people with special needs;
- Her participation in events on democracy;
- Quality media coverage; and
- Greater collaboration with the *Bureau des affaires interculturelles* of Ville de Montréal.

The **OMBUDSMAN DE MONTRÉAL** will also pursue her internal promotion activities so that more managers, elected officials and municipal employees:

- Better understand the services she offers to their citizens;
- Understand the positive impact of her interventions on the quality of service and on their relations with citizens;
- Collaborate to find solutions, when a problem has been identified;
- Understand and keep in mind the commitments taken by Ville de Montréal in the *Montréal Charter of Rights and Responsibilities*;
- Adhere more strictly to these commitments.

The **OMBUDSMAN DE MONTRÉAL** will continue to collaborate with the *Sommet de Montréal* employees in their activities for the promotion of democratic rights.

She will also continue to offer her full collaboration to any other city or organization that wishes to implement an high level ombudsman's office, with a view of: "**Maintaining the course on justice and harmony**".





VII The Montréal Charter of Rights and Responsibilities



VII The Montréal Charter of Rights and Responsibilities

A. 2007 Activity Report

The *Montréal Charter of Rights and Responsibilities* came into effect on January 1, 2006. To the best of our knowledge, there is no comparable in any other city in the world. UNESCO and UN-HABITAT have shown great interest in this *Charter* which they consider a model to be followed.

The *Charter* binds all of the managers, employees and representatives of Ville de Montréal as well as its elected officials. The only recourse available, to ensure its respect, is the recourse to the **OMBUDSMAN DE MONTRÉAL**: in a way, the Ombudsman is the “guardian” of the *Charter*.

The *Charter* broadened the jurisdiction and the powers of our office. Notably: if a file is based mainly on this *Charter*, the **OMBUDSMAN DE MONTRÉAL** can now intervene and investigate decisions or actions approved by a borough council, the Executive Committee or the City Council.

Moreover, the appreciation of all requests submitted to the **OMBUDSMAN DE MONTRÉAL** must take into account the undertakings contained in this *Charter* and the Ombudsman must also interpret all municipal by-laws in a manner compatible with its provisions.

We have noticed, in 2007, that more and more citizens who solicit our intervention refer to this *Charter*.

Promoting the *Charter* – Internally and Externally

In 2007, the **OMBUDSMAN DE MONTRÉAL** pursued her activities for the promotion and demystification of the *Charter*: she gave conferences and participated to numerous discussion panels and conferences, on its content and its reach. Many such activities were in collaboration with representatives of the *Sommet de Montréal* and of the *Chantier sur la démocratie*.

The Ombudsman also took every possible occasion to remind the municipal managers, employees and representatives of the commitments they must respect, under the *Montréal Charter of Rights and Responsibilities*, as well as of the fact that the Ombudsman can now intervene and issue recommendations, in regards to many decisions voted by elected officials.



Main undertakings under the Montréal Charter of Rights and Responsibilities and Ombudsman interventions

The **OMBUDSMAN DE MONTRÉAL** has the duty of ensuring the respect of the undertakings contained in the Montréal Charter of Rights and Responsibilities. These undertakings related to numerous subject matters, including:

- Democracy and Public participation;
- Better representation within municipal institutions;
- Equality of men and women;
- Inclusion and Non-discrimination;
- Environment and Recycling;
- Sustainable Development;
- Protection of the built, cultural and natural patrimony;
- Safety, notably of women;
- Universal Access;
- Access to recreational activities, culture and libraries;
- Evolution of services; and much more.

Prior to the *Charter*, most of these topics fell already under our jurisdiction, but only in regards to decisions of an administrative nature. Our office could never intervene if a borough council, the City Council or the Executive Committee had made the decision. These files were, therefore, investigated and appreciated on the angle of what is “legal, reasonable, just and fair”.

With the coming into force of the *Charter*, we can now appreciate these complaints in light of the clear undertakings stated therein, so that solutions we could only recommend as *desirable* avenues, before 2006, can now become *necessary* solutions to ensure the respect of these new commitments.

B. Charter files handled in 2007

Forty-one of the files we handled, in 2007, related to undertakings of the Montréal Charter of Rights and Responsibilities. Here are some examples.

a) Noise and Nuisance

■ Terrace in a residential area

The noise generated by the terrace of Boris Bistro, in Old Montréal, was already the object of a complaint, in 2006.

In 2007, other neighbours complained about the intense noise and loud voices of clients, on this terrace which is located just behind their condos. Unable to open their windows or to enjoy their balcony for almost the entire summer, they requested the Ombudsman intervention to put an end to this ongoing situation which seriously affects their quality of life.

Following the **OMBUDSMAN DE MONTRÉAL** repeated requests, Arrondissement de Ville-Marie finally retained, in June 2007, the services of a private firm to measure the noise levels on this terrace, mostly on nice summer nights.

These tests confirmed that the noise levels were above the permitted norms: *Statements of Offence* were, therefore, issued to the recalcitrant owner who, apparently, contested them all. We will follow up on this process in 2008.

As for finding a solution to resolve the problem of excessive noise, we were told the borough had taken many steps with the owner of the bistro to suggest permanent solutions, such as the addition of structures to attenuate the propagation of the noise. To this day, however, there appears to be little collaboration on his part.

We are following through on this file with the hope that, with time, the owner will acknowledge the problem and take appropriate measures to resolve the situation so that the neighbouring residents can reasonably enjoy their condo.

■ Early garbage collection

A citizen was complaining of the excessive noise produced by privately owned garbage collection and recycling trucks which often proceeded before 7:00 a.m.

At our request, a noise control technician showed up at the citizen's home to carry out the usual verifications. He then forwarded a letter to the concerned companies, to remind them of the statutory prohibition of engaging in such activities before 7:00 a.m. and to request that they respect this constraint, failing which they would expose themselves to legal action. The situation improved, to the satisfaction of the citizen.

On the other hand, we discovered, in the course of our investigation, that the land on which the garbage and recycling containers were installed belongs most likely to the condo complex where this citizen lives. If that is the case, the co-ownership syndicate could probably request that the garbage containers be moved. We passed on this information to the citizen so that she or her syndicate may look into this matter, more thoroughly.

■ Speed bump and Quality of life

A speed bump was installed by Arrondissement d'Anjou, in front of a citizen's residence. This citizen complained of the excessive vibrations and noise in his home, every time a vehicle drove over this speed bump; he also complained of frequent breaking noises, mostly at night, when drivers suddenly noticed the presence of the said speed bump.

Arrondissement d'Anjou had set up an experimental project for the installation of speed bumps on all of its territory, in areas which were determined following traffic analyses and studies.

The speed bump in question was part of this project and, initially, it had been installed elsewhere, on the same street. However, STM had complained that this speed bump jeopardized the safe circulation of its buses and the borough, therefore, agreed to remove it.

The speed bump was reinstalled further away, in front of the citizen's residence, without any study or analysis being conducted to establish whether the installation of a speed bump, in this specific location, was appropriate or even desirable. Let us underline that this section of the street is between two relatively close stop signs.

Speed bumps may constitute an efficient way to control excessive speed, but their use must be well thought out because they also bring their share of inconveniences and can even cause accidents. Ville de Montréal must, therefore, analyse seriously every situation before deciding if the installation of a speed bump is desirable or not, in a specific place.

Considering the absence of any prior study and the borough's impossibility to provide any justification whatsoever regarding the choice of this location, the **OMBUDSMAN DE MONTRÉAL** issued a **RECOMMENDATION** so that this speed bump be immediately removed, without waiting for the final evaluation of the global experimental project.

This **RECOMMENDATION** was accepted by the borough and the speed bump was removed: the citizen was relieved.



■ Nuisances due to a taxi stand

Citizens addressed the **OMBUDSMAN DE MONTRÉAL** to complain about nuisances resulting from a taxi stand, near their residence.

This taxi stand is not located on the street where the citizens live, but on the side street: however, drivers often parked in front of the plaintiffs' residence, waiting for spaces to become available on the taxi stand, on the other side.

We intervened with Arrondissement de Villeray – Saint-Michel – Parc-Extension, with *Bureau du taxi et du remorquage* and with Police Station #30: increased police surveillance was organized and approximately thirty *Statements of Offence* were issued to taxi drivers who parked illegally, on the citizens' street.

This police operation seems to have been fruitful. We returned on location many times, at different hours, and we no longer saw taxis parked on the citizens' street. The SPVM confirmed that it will continue to make regular spot surveillances, in order for the problem not to reoccur.

b) Universal access

■ New computerized parking meters

It was brought to the attention of the **OMBUDSMAN DE MONTRÉAL** that physically challenged persons had difficulties accessing/using some elements of the new computerized parking meters recently installed on Ville de Montréal territory. More particularly, shorter people and people in wheelchairs had difficulty using the credit card reader (slot too high) and the instruction screen (sometimes impossible to read if eyes are not directly in front of the screen).

We contacted *Société en commandite Stationnement de Montréal* (the "Society") which supervises the installation and administration of these new meters, for Ville de Montréal. The *Society* was aware of the configuration problems and it had even solicited comments from an organization promoting the rights of handicapped people: this organization had recommended lowering these elements of the meters, as much as possible.

Unfortunately, only one company manufactures computerized parking meters that meet the specific needs of the *Society*, notably, to operate with solar energy and to have adequate resistance to the rigour of our climate. This European company had rejected the *Society's* requests to re-configure the meters.

Following our intervention, the *Society* proceeded with new studies to see how it could, on its own, reduce the negative impacts resulting from the present configuration of these meters. It was finally able to modify the base of the meters, so as to lower it by 40 mm. This small change does not resolve everything but, as confirmed by representatives for the physically challenged people, it will enable more people to access/use the credit card payment slot.



The *Society* has committed that all of the new computerized parking meters to be installed or replaced, in the future, will be lowered in this manner. As for the instruction screen which is sometimes difficult to read, mostly in the sun, the *Society* is pursuing its research for a solution: the possibility of adding an anti-reflecting sun visor or panel is being studied.

The *Society* is also working on a new project to put in place a new payment system allowing some citizens to pay their parking meter fees by telephone, without having to physically use the elements of the meter. A pilot project should be set up as early as 2008.

We will continue our follow-ups on these aspects of the file.

At our request, the *Society* has also committed to not remove the specially adapted parking meters which are already there, when it will install new computerized parking meters near spaces reserved for handicapped people: citizens with a handicap will, therefore, be able to use the type of meter most convenient to them.

We have finally asked the *Society* to include, on its Web site, a detailed map showing the location of all paying parking spaces reserved to handicapped people so that the citizens concerned may be able to better plan their trips into the City. The *Society* agreed and it will also add information, on its Web site, on the procedure to be followed in order to request, when the need arises, the addition of such places.

■ Opening of a register – Access for handicapped persons

Citizens complained that the premises chosen by Arrondissement de Rivière-des-Prairies – Pointe-aux-Trembles for the opening of a register on a project requiring zoning change, was not accessible to people in wheelchairs and, as a result, that these citizens could not exercise their right to sign the said register if they wished to do so.

We contacted the borough director who immediately accepted our suggestion to set up a special area, on the first floor of the building, where people with reduced mobility could sign the register. This was certainly not an ideal set-up but, nevertheless, it allowed the concerned citizens to exercise their democratic right.

Other aspects of this file remain under investigation which could lead to additional comments in a future report.

c) Complete and Clearly formulated information

■ Application for a Subsidy – Requirement of a Notarized document

A citizen contested the fact that the *Home Ownership Program* requires that the document confirming the citizen's *Commitment to remain the owner/occupant for at least three years* be notarized, which generated unforeseen professional costs for him.

Following our investigation, we have come to the conclusion that this requirement is not unreasonable. Indeed, the fact that the document is notarized helps to ensure the respect of the commitment: if the beneficiary of the subsidy sells his property before the three years period has elapsed, the notary instrumenting the sale would note the existence of this notarized commitment and inform the City representatives accordingly.

We noticed, however, that the information available on Ville de Montréal Web site with regard to this program was not clear in regards to this requirement. Following our intervention, the City modified its Web site to specify clearly the requirement for the purchaser to produce a notarized document for this commitment, at his/her own expense.

d) Traffic

■ Cycling path – Safety and Public consultations

Ville de Montréal plans to set up a cycling path on Chambly/16^{ème} avenue, between Rachel and Saint-Zotique.

Some citizens consider this cycling path to be unsafe, for cyclists, motorists and pedestrians. They wanted, therefore, that an external firm conducts an expertise on the safety of this cycling path project. They also complained that Arrondissement de Rosemont – La Petite-Patrie had not held public consultations on the matter and also, that it had not requested an impact study.

Firstly, one should keep in mind that a public consultation is not a process where citizens make the final decision: it is rather an occasion for the City to provide citizens with transparent information on a project and for the citizens to express their opinion, fears and apprehensions. Except in rare cases where the law requires a referendum (such as zoning changes or the taking out of a loan by a borough), the final decision remains with the City managers and/or elected officials.

Following our intervention, the borough organized an information and discussion meeting where citizens had the opportunity to express their point of view, ask questions and explain their fears to City representatives, with regard to this project.

On the safety aspect, our investigation confirmed that the concerned borough and departments had taken numerous steps to ensure the safety of this path for cyclists, motorists and pedestrians. Rigorous analysis, field visits and many simulations have been done and teams of engineers, technicians specialized in traffic and police officers have looked into the project.

All of the representatives with whom we spoke confirmed that the safety of the project was a priority.

Moreover, if this cycling path is indeed set up, extra traffic lights will be added at the Rosemont and Saint-Joseph junctions; the City will add countdown lights for pedestrians and lights for cyclists, between Saint-Zotique and Rachel, and these lights will be deliberately unsynchronized, so as to slow down traffic. The signs and markings of the roadway at intersections will be more intense, between Saint-Zotique and Rachel; and parking prohibitions will be implemented before the street corners, in order to ensure a better view.

In light of the above, the Ombudsman could not conclude that the City had acted in an unreasonable or negligent manner in the management of this project or that the project was unsafe. We explained all of the aforementioned to the citizens before ending our investigation.

e) Safety

■ Unsafe hedges

A citizen complains that the height of her neighbour's hedges contravenes to the municipal by-laws and constitutes a safety risk for pedestrians and motorists. Indeed, one side of this high hedge skirts an alley giving access to a street.

Our investigation confirmed that the hedges exceeded the height permitted under the by-law which was in force at the time. But Arrondissement de Saint-Laurent refused to intervene because this by-law was currently under study and would most likely be modified so as to increase the maximum height permitted for hedges, in the borough. As a result of this change, many hedges would conform to the new regulation.

The **OMBUDSMAN DE MONTRÉAL** has not deemed it appropriate to intervene immediately to request the strict application of a by-law that was on the verge of being modified so as to regularize the situation.

Nevertheless, she intervened on the safety aspect. The Ombudsman went on location and she noted that part of the hedge was hindering the visibility of pedestrians, cyclists and motorists circulating on the street or in the alley skirting the hedge. During her visit, she even witnessed a near-accident between a bicycle and a child who was coming out of the alley: no one had noticed her presence before she came out of the alley because she was completely hidden by the hedge.

The Ombudsman, therefore, intervened with the borough and this part of the hedge was quickly cut to a height of one meter, on a distance of three meters from the sidewalk.



f) Access to municipal services

■ Soccer fields

A soccer league requested the intervention of the **OMBUDSMAN DE MONTRÉAL** for Arrondissement de Côte-des-Neiges – Notre-Dame-de-Grâce to give it, again, access to soccer fields, for the 2007 season. Following an incident in 2005, this league had had this privilege taken away, upon a recommendation from the SPVM.

Following our intervention, the borough met with the league representatives to discuss the file. However, the meeting aborted when the latter left due to the fact that representatives of Police Station #11 had also been invited.

The borough explained the presence of these police officers by the fact that many of the incidents that had led to the withdrawal of the league's privileges, in 2005, had required the intervention of police officers from this station. This explanation did not appear unreasonable to us.

Still, the borough accepted to consider the request of this league providing that it formally commits to respect various conditions, the great majority of which are imposed to all leagues requesting access to soccer fields, in this borough. But the borough added two commitments, in order to avoid reoccurrence of the 2005 problematic situation, i.e.:

- That the Board of Directors of the league adopts a Resolution confirming its commitment to respect all of the borough's conditions and that it sends a copy of this Resolution to the borough; and
- That the league undertakes to provide, during its games, volunteers responsible for ensuring the respect of these conditions and of the municipal regulation, by the players as well as by the spectators; and for keeping contact with the police and/or Ville de Montréal employees: the names of these volunteers had to be confirmed on a list to be given to the borough.

The league considered these requirements to be discriminatory because this sporting association regroups players from the Black community. According to our 2005 and 2007 investigations, however, these requirements were a direct result of real problems that had occurred during many of the games played by this league, which had required police interventions. Park bordering residents had even complained about the inappropriate behaviour of many spectators of these games, to their Borough Council.

Under the circumstances, the **OMBUDSMAN DE MONTRÉAL** could not come to the conclusion that the conditions imposed by the borough were biased or constituted illegal discrimination. We informed the league of our conclusion and offered our assistance in its future discussions with the borough to find conditions agreeable to both.



C. Follow-up on previous *Charter* files

■ Boris Bistro terrace – Noise and Quality of life

In her 2006 Annual Report, the **OMBUDSMAN DE MONTRÉAL** referred to the situation of a resident neighbouring an Old Montréal bistro that operates a terrace behind his condo: the window of the citizen's bedroom gives directly on this terrace and the loud music was decreasing his quality of life. At the time of this Report, we were awaiting a formal confirmation from Arrondissement de Ville-Marie that, as discussed, various measures to reduce the inconvenience suffered by Boris Bistro neighbours would be implemented.

Unfortunately, Arrondissement de Ville-Marie never confirmed these commitments and many months passed without any intervention on its part, in this file. A formal **RECOMMENDATION** issued by our office remained without a satisfactory response and the borough even authorized new refitting works, around this terrace, which may very well result in an increase of the noise levels, for the neighbours.

In the spring of 2007, other neighbouring residents complained about the noise coming from this terrace and of its negative impact on their quality of life. We, therefore, multiplied our interventions and Arrondissement de Ville-Marie finally reactivated its file, as of June 2007 (see summary above, in 2007 *Charter* files).

In 2008, we will continue to follow up regularly in this file and to work hand in hand with Arrondissement de Ville-Marie.

In spite of regulatory constraints and long delays, it is essential that measures be taken to ensure the peaceful enjoyment of their homes by residents who were imposed the presence of a loud terrace, practically in their backyard.

We are confident that Arrondissement de Ville-Marie will have the well-being of its residential citizens at heart and will find a way to re-establish a balance between the commercial development of its borough and the protection of an acceptable quality of life for its residents.

■ Management of noise complaints

In 2006, the **OMBUDSMAN DE MONTRÉAL** mentioned improvements in the following up and handling of excessive noise complaints. Indeed, different measures had been implemented in the boroughs most affected by this type of complaints, and we had noticed the positive impact of these measures which lowered the number of requests submitted to our office, on such matter.

In 2007, we handled 37 requests regarding excessive noise, 14 of which required a more thorough investigation. Most of these requests were due to the complexity of finding solutions to resolve a problem of excessive noise and not so much on the inaction of the boroughs, as it was too often the case, previously. This improvement deserves to be underlined.



■ Parc Angrignon Forest – Protection of the Natural Patrimony and of the Urban Forest

In her 2006 Annual Report, the **OMBUDSMAN DE MONTRÉAL** explained the **RECOMMENDATION** she had issued in order to ensure the protection of Parc Angrignon “forest” part.

This **RECOMMENDATION** was based on the *Policy on the protection and enhancement of natural habitats*, on the *Heritage Policy* and on the *Montréal Charter of Rights and Responsibilities*: it was aimed, notably, at ensuring that there were no longer excessive human interventions or reaping operations for esthetic purposes, in this part of the park.

The Service du développement culturel, de la qualité du milieu de vie et de la diversité ethnoculturelle as well as Arrondissement Le Sud-Ouest had favourably welcomed our **RECOMMENDATION** and had committed to respecting it, without reserve.

Only Arrondissement de LaSalle had refused to conform to it, in order to satisfy some residents who did not appreciate the wild character of this part of the park.

Unfortunately, we were informed that, contrary to its commitment, Arrondissement Le Sud-Ouest proceeded to reaping operations, in 2007, at the request of Arrondissement de LaSalle. We were very surprised by this situation and immediately contacted the borough director and the director of the concerned central department to request explanations of what had happened.

Apparently, the request of Arrondissement de LaSalle was submitted to the new borough director of Arrondissement Le Sud-Ouest who had not been made aware of the commitment taken by his borough, in regards to Parc Angrignon “forest”.

Our investigation is not over yet but we will definitely pursue it, in 2008, in order to ensure that such interventions do not reoccur in Parc Angrignon “forest”.

This situation also made us aware that, notwithstanding any staff turnover, procedures must be put into place to ensure the respect of long term commitments made through our office: we will be looking for a solution to that problem in 2008.

D. 2007 Statistics Tables
Charter files



TABLE 19

Requests falling under the Montréal Charter of Rights and Responsibilities

SUBJECT	SUB-CATEGORY	NUMBER
Environment and Sustainable Development	Garbage / Recycling	1
	Noise	13
	Nuisance	1
	Parks and Green spaces	1
	Zoning / Urban planning / Exemption	1
	SUB-TOTAL	17
Recreation, Physical Activities and Sports	Sports and leisure	1
	SUB-TOTAL	1
Security	Conduct of an employee	1
	Cycling path	1
	Fence	1
	Parks and Green spaces	1
	Traffic	2
SUB-TOTAL	6	
Municipal Services	Communications	1
	Financial compensation (other)	1
	Parking / SRRR / Vignettes	2
	Universal access	2
SUB-TOTAL	6	
Cultural Life	Library	1
SUB-TOTAL	1	
Democracy	Application of by-laws	1
	Public participation	7
	Subsidy other than housing	1
SUB-TOTAL	9	
Economic and Social Life	Aqueduct / Sewer	1
	SUB-TOTAL	1
GRAND TOTAL		41

TABLE 20

Entities concerned by requests falling under the Montréal Charter of Rights and Responsibilities

BOROUGH	SUBJECT AND SUB-CATEGORY	NUMBER
Ahuntsic – Cartierville (administration)	Environment and Sustainable Development	
	Garbage/Recycling	1
	Noise	1
Ahuntsic – Cartierville (Borough Council)	Democracy	
	Application of by-laws	1
	Public Participation	1
TOTAL		4
Anjou (administration)	Environment and Sustainable Development	
	Noise	1
TOTAL		1
Côte-des-Neiges– Notre-Dame-de-Grâce (administration)	Environment and Sustainable Development	
	Noise	3
	Municipal Services	
	Communications	1
Côte-des-Neiges – Notre-Dame-de-Grâce (Borough Council)	Environment and Sustainable Development	
	Noise	1
	Recreation, Physical Activities and Sports	
	Sports and Leisure	1
	Cultural Life	
	Library	1
TOTAL		7
LaSalle (administration and Borough Council)	Environment and Sustainable Development	
	Parks and Green spaces	1
TOTAL		1
Le Plateau Mont-Royal (administration)	Environment and Sustainable Development	
	Noise	1
TOTAL		1

TABLE 20 (continued)

Entities concerned by requests falling under the Montréal Charter of Rights and Responsibilities

BOROUGH	SUBJECT AND SUB-CATEGORY	NUMBER
Le Sud-Ouest (administration and Borough Council)	Environment and Sustainable Development	
	Parks and Green spaces	1
	Democracy	
	Public Participation	2
TOTAL		3
Mercier – Hochelaga-Maisonneuve (administration)	Security	
	Parks and Green spaces	1
	Traffic	1
TOTAL		2
Rivière-des-Prairies- Pointe-aux-Trembles (administration)	Environment and Sustainable Development	
	Noise	1
	Municipal Services	
	Universal Access	2
	Democracy	
	Public participation	1
Economic and Social Life		
Aqueduct/Sewer	1	
TOTAL		5
Rosemont –La Petite- Patrie (administration)	Environment and Sustainable Development	
	Noise	1
TOTAL		1
Saint-Laurent (administration)	Security	
	Fence	1
TOTAL		1

TABLE 20 (continued)

Entities concerned by requests falling under the Montréal Charter of Rights and Responsibilities

BOROUGH	SUBJECT AND SUB-CATEGORY	NUMBER
Verdun (Borough Council)	Environment and Sustainable Development	
	Zoning/Urban planning/Exemption	1
TOTAL		1
Ville-Marie (administration)	Environment and Sustainable Development	
	Noise	3
Ville-Marie (Borough Council)	Environment and Sustainable Development	
	Nuisance	1
	Democracy	
	Public participation	2
TOTAL		6
Villeray – Saint-Michel – Parc-Extension (administration)	Environment and Sustainable Development	
	Noise	1
	Security	
	Traffic	2
	Democracy	
	Public participation	1
TOTAL		4
CENTRAL DEPARTMENT	SUBJECT AND SUB-CATEGORY	NUMBER
Affaires corporatives (Direction des affaires pénales et criminelles)	Democracy	
	Municipal court	3
Affaires corporatives (Direction du contentieux)	Municipal Services	
	Financial compensation (other)	1
TOTAL		4

TABLE 20 (continued)

Entities concerned by requests falling under the Montréal Charter of Rights and Responsibilities

CENTRAL DEPARTMENT	SUBJECT AND SUB-CATEGORY	NUMBER
Développement culturel, qualité du milieu de vie et diversité ethnoculturelle (Direction des événements et équipements – Ville)	Environment and Sustainable Development	
	Nuisance	1
Développement culturel, qualité du milieu de vie et diversité ethnoculturelle (Direction sports, loisirs, parcs et espaces verts)	Environment and Sustainable Development	
	Parks and Green spaces	1
TOTAL		2
Mise en valeur du territoire et du patrimoine (Direction de projets)	Democracy	
	Subsidy other than housing	1
TOTAL		1
Infrastructures, transport et environnement (Direction de l'ingénierie de voirie)	Security	
	Cycling path	1
TOTAL		1
Service de police (Direction du service de police)	Security	
	Conduct of an employee	1
	Traffic	1
TOTAL		2
CITY-CONTROLLED CORPORATIONS	SUBJECT AND SUB-CATEGORY	NUMBER
Société en commandite Stationnement de Montréal	Municipal Services	
	Parking / SRRR / Vignettes	2
TOTAL		2
POLITICAL ENTITY	SUBJECT AND SUB-CATEGORY	NUMBER
Executive Committee	Environment and Sustainable Development	
	Parks and Green spaces	1
TOTAL		1

TABLE 21

Results of requests falling under the
Montréal Charter of Rights and Responsibilities
Completed files

ENTITY	TOTAL NUMBER	WITHDRAWALS BY CITIZENS BEFORE INVESTIGATION	REQUESTS REFERRED VDM BEFORE INVESTIGATION	REQUESTS DENIED BEFORE INVESTIGATION	WITHDRAWALS BY CITIZENS DURING INVESTIGATION	REQUESTS REDIRECTED DURING INVESTIGATION	REQUESTS ILL FOUNDED	RESOLVED BY MEDIATION	RECOMMENDATION
Ahuntsic – Cartierville (administration)	1	0	0	0	0	0	1	0	0
Ahuntsic – Cartierville (Borough Council)	1	0	0	0	0	0	1	0	0
Côte-des-Neiges – Notre-Dame-de-Grâce (administration)	2	0	0	0	0	0	1	1	0
Côte-des-Neiges – Notre-Dame-de-Grâce (Borough Council)	3	0	0	0	0	0	1	2	0
Le Sud-Ouest (Borough Council)	1	0	0	0	0	0	1	0	0
Mercier – Hochelaga-Maisonneuve (administration)	1	0	0	0	0	0	0	1	0
Rivière-des-Prairies – Pointe-aux-Trembles (administration)	3	0	0	0	0	0	1	2	0
Rosemont – La Petite-Patrie (administration)	1	0	0	0	0	0	0	1	0
Saint-Laurent (administration)	1	0	0	0	0	0	0	1	0
Verdun (Borough Council)	1	0	0	0	0	0	1	0	0

TABLE 21 (continued)
**Results of requests falling under the
 Montréal Charter of Rights and Responsibilities
 Completed files**

ENTITY	TOTAL NUMBER	WITHDRAWALS BY CITIZENS BEFORE INVESTIGATION	REQUESTS REFERRED VDM BEFORE INVESTIGATION	REQUESTS DENIED BEFORE INVESTIGATION	WITHDRAWALS BY CITIZENS DURING INVESTIGATION	REQUESTS REDIRECTED DURING INVESTIGATION	REQUESTS ILL FOUNDED	RESOLVED BY MEDIATION	RECOMMENDATION
Ville-Marie (Borough Council)	3	0	0	0	1	0	0	2	0
Villeray – Saint-Michel – Parc-Extension (administration)	3	0	0	0	0	0	1	2	0
Développement culturel, qualité du milieu de vie et diversité ethnoculturelle (Dir. événements et équipements – Ville)	1	0	0	0	0	0	0	1	0
Mise en valeur du territoire et du patrimoine (Direction de projets)	1	0	0	0	0	0	0	1	0
Infrastructures, transport et environnement (Direction du transport)	1	0	0	0	0	0	1	0	0
Service de police (Direction du service de police)	1	0	0	0	0	0	1	0	0
Société en commandite Stationnement de Montréal	2	0	0	1	0	0	0	1	0
GRAND TOTAL	28	0	0	1	1	0	11	15	0

TABLE 22
Final settlement or final response period
“Charter files”

A. All requests included

	2006	%	2007	%
1 to 2 working days	1	2.95	2	4.88
5 working days	0	0.00	0	0.00
10 working days	0	0.00	1	2.44
1 month	9	26.47	5	12.19
2 months	6	17.64	8	19.52
3 months	6	17.64	3	7.32
4 months	1	2.95	2	4.88
5 months or more	11	32.35	6	14.64
Files still pending as of January 1, 2008	0	0.00	14	34.14
TOTAL	34	100%	41	100%

B. Requests that required a thorough investigation

	2006	%	2007	%
1 to 2 working days	0	0.00	1	2.50
5 working days	0	0.00	0	0.00
10 working days	0	0.00	1	2.50
1 month	9	27.28	5	12.50
2 months	6	18.18	8	20.00
3 months	6	18.18	3	7.50
4 months	1	3.03	2	5.00
5 months or more	11	33.33	6	15.00
Files still pending as of January 1, 2008	0	0.00	14	35.00
TOTAL	33	100%	40	100%

E. 2008 Action Plan – *Montréal Charter of Rights and Responsibilities*

The *Montréal Charter of Rights and Responsibilities* is a tool to ensure Ville de Montréal will keep on evolving to better meet the changing needs of its citizens. It is a *KEY TO LIVING BETTER TOGETHER*.

The **OMBUDSMAN DE MONTRÉAL** contributes daily to the achievement of this goal. Making the undertakings of this *Charter* better known by the general public and better respected within Ville de Montréal remains our greatest challenge and the **OMBUDSMAN DE MONTRÉAL** will keep on deploying her efforts in this respect.

In 2008, she will pursue her collaboration with the *Sommet de Montréal* and the *Chantier sur la démocratie*, make herself available to participate in conferences, continued trainings, discussion panels or any other Forum aimed at promoting and explaining this new legislation.

Our team will pursue its reflection on the provisions of the *Charter* to always better understand their reach, for Ville de Montréal and the citizens, with the hope that our interventions, recommendations and actions will continue to have a positive impact. We will remind the City of each of its commitments therein and we will also sensitize citizens on their own responsibilities.

As in any type of relationship, the citizens and Ville de Montréal must find together the right balance between their respective responsibilities and rights.

F. Conclusion – *Charter*

The *Montréal Charter of Rights and Responsibilities* requires that elected officials and municipal representatives change their usual ways.

They must **develop a new Charter reflex** to ask themselves, before adopting any new policy, granting a permit, adopting a Resolution or authorizing an exemption, if the subject matter relates to an undertaking of the *Charter* and if so, how the said undertaking impacts on the decision they are about to make.

The decision making process and the ways citizens' request are handled must be adjusted to take into account this new reality. If they are not, the Ombudsman will look into the matter and she may recommend that the City changes its decision.

Community groups and citizens are thrilled by this new *Charter* and what it can do for them. Having free access to the services of the **OMBUDSMAN DE MONTRÉAL** to have citizens' rights and the *Charter's* commitments respected by managers, employees and elected officials of Ville de Montréal is already perceived as a **unique tool of Participative Democracy** through which citizens can provoke change and make things evolve within Ville de Montréal, one file at the time.

It is in this spirit that the **OMBUDSMAN DE MONTRÉAL** team began the year 2008, with a view of: **"Maintaining the course on justice and harmony"**.







VIII General Conclusion

Through its numerous interventions, the **OMBUDSMAN DE MONTRÉAL** helps City representatives and citizens of Ville de Montréal better understand one another and better grasp their respective expectations, constraints and needs.

The **free, simple and efficient recourse** that we offer allows us to identify problems that can occur, from time to time, in the management of Ville de Montréal affairs, but mostly, to resolve them quickly.

The recourse to our office largely contributes to increase **Participative Democracy**, by allowing citizens to express their point of view, which we duly consider, and to ask that decisions they believe to be unjust, unfair or unreasonable be looked into by a neutral and apolitical entity which can make things change, if appropriate.

Within Ville de Montréal, more and more City representatives also understand that through our interventions, we can help them accomplish better their own mandate, which is to offer the best services possible to citizens.

Empathy and Caring remain keys to our success. We take the time to fully understand everyone's point of view, without prejudice and without bias.

Citizens are reassured by our independence, our autonomy and the fact that we are completely non-political, which reassure them in trusting us. We handle all of our files with rigor and diligence, with a concern for justice and equity.

In terms of the number of requests submitted to our office, we seem to have reached our *cruising speed*.

The average time elapsing before we finalize a complaint remains exceptional with nearly 90% of citizens receiving a final response in one month or less. It is also worth mentioning that when we issue a formal **RECOMMENDATION**, it is almost always accepted by Ville de Montréal.

Our numerous successes and our professionalism have made the **OMBUDSMAN DE MONTRÉAL** a necessary service which citizens could no longer go without. We are very proud of this.

All of the members of the **OMBUDSMAN DE MONTRÉAL** team are tackling 2008 with enthusiasm and the same desire of making Montréal a “*lighthouse city*”, where mutual respect between citizens and municipal representatives is, without a doubt, a fundamental value.

We will, therefore, continue to encourage Ville de Montréal on “***Maintaining the course on justice and harmony***”. This is not only our theme: it is truly what municipal employees and elected officials must keep on aspiring to.



Addendum

Glossary to better understand some of the requests received

ACCESS TO INFORMATION

Requests relating to *Right of access* legislation; or information requests.

ACQUIRED RIGHTS

Requests where acquired rights are alleged for uses or constructions which became derogatory.

ALLEY

Requests regarding the traffic or safety in an alley; illegal encroachments in alleys or the acquisition of alleys; etc.

ANIMAL

Requests concerning excessive barking; too many animals in a dwelling; prohibitions to walk dogs in parks; euthanasia orders; excrements not picked up; presence of rats, pigeons, squirrels, gulls and stray cats; complaints against horse carriages; etc.

APPLICATION OF BY-LAWS

Requests relating to municipal statutes in general, how they are applied and their justification; requests regarding a municipal by-law which does not fall under another specific category.

AQUEDUCT/SEWER

Requests regarding lack of water pressure in houses; City's sunk draining trap; water leaks; accumulation of water; pipe problems; etc.

CLEANLINESS

Requests regarding the state of cleanliness or uncleanness of a municipal property, of a private lot, of a park, of a street, of an alley, etc.

COMMUNICATIONS

Requests relating to the language of communication; Ville de Montréal Web site; Accès Montréal services; etc.

CONDUCT OF AN EMPLOYEE

Complaints against attitude of an employee in the execution of his/her functions.

CONFLICT OF INTERESTS

Requests relating to a conflict of interests, real or apparent, within the municipal administration.

CYCLING PATH

Requests regarding the implementation, the maintenance or the safety of cycling paths.

DRIVEWAY ENTRANCE

Requests relating to the affectation or the closing down of a driveway entrance.

ENVIRONMENT/SUSTAINABLE DEVELOPMENT

Requests relating to Éco-quartiers and Éco-centres; construction projects having an impact on ecoterritories; polluting industries; etc.

EVALUATION/REAL ESTATE TAX

Requests regarding land evaluation and tax assessments; motions for review; payment periods; requests for refunds; duties on transfers of immovables; agreements; etc.

FENCE

Requests relating to the by-laws concerning fences and hedges.

FIRE/PUBLIC SAFETY

Requests relating to interventions or inspections of the Service de sécurité incendie de Montréal; requests relating to emergency exits in a building; safety in public places; etc.

GARBAGE/RECYCLING

Requests relating to different types of garbage collection; the storage of garbage; garbage bins; etc.

HANDICAPPED PERSON

Requests regarding subsidies and services offered, or not, to handicapped people.

HUMAN RIGHTS

Complaints of alleged discrimination for reasons protected under a charter of rights.

MUNICIPAL COURT

Requests relating to the wording of court documents; rules of practice; general functioning; judicial process; status of a specific file; etc.

NOISE

Requests regarding the application of by-laws concerning excessive noise.

NUISANCES

Requests regarding foul-smelling; inconveniences generated by construction sites (dust, noise); abandoned land; church bells; bright business lights; traffic at night; loud businesses and neighbours; noise in general.

PARKING/“SRRR”/“VIGNETTES”

Requests regarding parking violations; the implementation or the withdrawal of SRRR zones (street parking reserved to residents), including the issuance of parking permit; to parking restrictions on streets; to the rates and functioning of parking meters; to Stationnement de Montréal parking lots.

PARKS AND GREEN SPACES

Requests regarding the safety of parks and their infrastructure/game equipments; events held in parks; protection of natural patrimony; etc.

PERMIT

Requests regarding the granting or refusal of permits; works done without a permit; etc.

POUND (OTHER)

Requests concerning the storage of vehicles; public auctions; lost goods; etc.

POUND (STORAGE OF FURNITURE AND PERSONAL BELONGINGS)

Requests from citizens whose furniture and personal belongings were stored in a municipal pound following their eviction from their dwelling, and who are financially unable to pay the full required amount or need an extra delay to retrieve their goods.

PUBLIC HEALTH

Requests regarding the application of by-laws governing the salubrity of dwellings and businesses.

PUBLIC PARTICIPATION

Requests regarding public consultations; referendum process; question periods during different public assemblies; etc.

ROAD WORKS/PUBLIC WORKS

Requests regarding the maintenance and repair of streets and sidewalks; lighting network; traffic lights; graffiti; street line markings; displaced sewer lids; different collections (except garbage and recycling) such as: dead leaves, Christmas trees, cumbersome objects; etc.

SNOW REMOVAL

Requests relating to snow removal operations.

SOCIAL HOUSING/HLM/HOUSING SUBSIDIES

Requests relating to waiting lists for HLM; and requests from SHDM or OMHM tenants.

SPORTS AND LEISURE

Requests regarding community gardens, sports centers, fields for sport teams, public pools; including access to and the activity functioning rules.

SUBSIDY OTHER THAN HOUSING

Requests regarding all subsidy programs offered by Ville de Montréal, except the housing subsidy (rent supplement – social housing), among others, for residential renovation, home ownership and some cultural events.

TAX (EXCEPT REAL ESTATE)

Requests regarding the water tax, the garbage tax, the local improvement tax, the commercial tax, etc.

TAXI

Requests regarding problems related to the presence of a taxi stand or to the rules governing taxis in Montréal.

TENDERS

Requests regarding public tenders: too restrictive criteria; or biased proceedings, etc.

TOWING

Requests regarding the towing regulation in Montréal.

TRAFFIC

Requests regarding traffic lights; traffic irritants; speed bumps; traffic signs; etc.

TREE

Requests relating to the pruning, the cutting down and the planting of trees.

UNIVERSAL ACCESS

Requests concerning access to municipal services, municipal information, municipal buildings and places, including for persons who are physically challenged.

ZONING/URBAN PLANNING/EXEMPTION

Requests regarding the permitted uses in a given area; exemption requests for a construction project; particular construction projects.



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