**Excerpt from the** [***Cities and Towns Act***](http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/C-19)**[[1]](#endnote-1)**

**[…]**

**DIVISION XI.1**

MUNICIPAL OMBUDSMAN

[**573.14.**](javascript:displayOtherLang(%22se:573_14%22);) For the purposes of this division, “Municipal Ombudsman” means the person appointed or body created under the first paragraph of section 573.15.

[**573.15.**](javascript:displayOtherLang(%22se:573_15%22);) The council may, by a resolution adopted by a two-thirds majority vote of its members, appoint a person to act as Municipal Ombudsman or create a body to act in that capacity and appoint its members.

In addition to what is provided in this division, the resolution must determine the term, rights, powers and obligations of the person or of the body and its members.

A two-thirds majority vote of the council members is required for the council to dismiss the person, abolish the body or dismiss a member of the body.

[**573.16.**](javascript:displayOtherLang(%22se:573_16%22);) In no case may the following persons act as Municipal Ombudsman or be a member of a body created to act in that capacity

(1)  a member of the council or of a borough council of the municipality;

(2)  an associate of a member mentioned in subparagraph 1; or

(3)  a person who, personally or through an associate, has a direct or indirect interest in a contract with the municipality.

Any report produced by the Municipal Ombudsman must disclose any situation that could cause a conflict between the responsibilities inherent in the office of Municipal Ombudsman and the Municipal Ombudsman’s personal interest or, in the case of a body, the personal interest of any of its members.

[**573.17.**](javascript:displayOtherLang(%22se:573_17%22);) In the exercise of the functions of office, the Municipal Ombudsman is entitled to obtain from any person any information the Municipal Ombudsman considers necessary.

[**573.18.**](javascript:displayOtherLang(%22se:573_18%22);) Each year, the Municipal Ombudsman must transmit a report on the exercise of the functions of Municipal Ombudsman to the council.

No civil action may be instituted by reason of the report.

[**573.19.**](javascript:displayOtherLang(%22se:573_19%22);) Despite any general law or special Act, neither the Municipal Ombudsman, its members in the case of a body, the members of the personnel, or any professionals under contract may be compelled to give testimony relating to information obtained in the performance of their duties or to produce a document containing such information.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information ([chapter A-2.1](http://legisquebec.gouv.qc.ca/en/showDoc/cs/A-2.1?&digest=)), no person has a right of access to such a document.

[**573.20.**](javascript:displayOtherLang(%22se:573_20%22);) Neither the Municipal Ombudsman, its members in the case of a body, or the members of the personnel may be prosecuted by reason of an act they have done or failed to do in good faith in the performance of their duties.

Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure ([chapter C-25.01](http://legisquebec.gouv.qc.ca/en/showDoc/cs/C-25.01?&digest=)) may be exercised nor an injunction granted against the Municipal Ombudsman, its members in the case of a body, the members of the personnel or any professionals under contract, if acting in their official capacity.

A judge of the Court of Appeal, on an application, may summarily annul any proceeding instituted or decision rendered contrary to the first or second paragraph.

1. *Cities and Towns Act*, CQLR c. C-19, updated to 1 February 2020. [↑](#endnote-ref-1)