



## At the Heart of the Community

2005 Annual Report



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*For the benefit of our English readers it should be noted that this English translation takes into account the new instructions received from the Office québécois de la langue française which requires, among other things: that all titles as well as the name of the City, boroughs, departments, paramunicipal agencies, city-controlled corporations be written in French, even in the English version.*



April 24, 2006

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

Mr. President:

**Re: Annual Report of the OMBUDSMAN DE MONTRÉAL for the year 2005**

It gives me great pleasure to present the Montréal City Council with this third Annual Report of the **OMBUDSMAN DE MONTRÉAL**, with the theme *At the heart of the community* and detailing our main activities for the year 2005.

Since 2003, our numerous efforts to inform more and more citizens of the existence of our unique last resort recourse have yielded results. As you will see, in 2005, more than 500 citizens sought our assistance.

Our credibility as well as the positive impact of our interventions are increasingly well recognized by the various municipal authorities. Therefore, we can count on their full cooperation whenever we intervene with regard to a situation that concerns them.

In this present Annual Report, you will find details regarding the number, nature and handling of the requests submitted, along with several other interesting facts concerning our activities during the year 2005. I shall remain available to respond to any questions or provide additional information that the City Council could deem relevant.

My team and I are already well underway for the year 2006, with the theme and with the sincere desire of *Building bridges*.

Respectfully yours,

Johanne Savard  
Ombudsman de Montréal



Palais des Congrès de Montréal



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## Presentation of the OMBUDSMAN DE MONTRÉAL

### Training and professional experience

Following studies in political science at Concordia University, Ms. Savard obtained her law degree from the Université de Montréal, in 1979. She has been a member of the Québec Bar since 1980. Before starting in private practice, she worked for one year as a researcher/analyst for the judges of the Québec Court of Appeal.

Ms. Savard has also completed numerous courses in administration and management, mainly at the École nationale d'administration publique de Montréal (ENAP).

In 2003, Ms. Savard left private practice and became the first Ombudsman of Ville de Montréal. She has since offered to citizens a unique, free last resort recourse which provides an independent assessment of their file and, if need be, the Ombudsman's constructive intervention to help them resolve their problem.

### Expertise

For 23 years, Ms. Savard has been active as a legal adviser in all areas related to employment law and labour relations. She has actively participated in dispute settlement procedures, through negotiation, mediation and arbitration, and has provided guidance to her clients through the reorganization, merger, transfer or sale of their businesses.

Her clients requested her advice to identify a strategic approach in difficult or delicate situations, with an eye for preventing conflicts or finding a practical and efficient resolution of problems.

She has solid experience in the areas of human rights, harassment, duty of confidentiality, duty of loyalty, pay equity, protection of personal information and health and safety in the workplace. She has planned, presided over and given dozens of conferences and training sessions on these same topics.

Since 2003, she regularly gives conferences or training sessions on the role of the ombudsman and the effective management of complaints.

### Social and professional engagement

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

She served as president of the Board of Directors for two early childhood centres, including the Centre de la petite enfance Papillon of the Société des enfants handicapés daycare centre that integrates, in equal proportion, both handicapped and non-handicapped children.

She was a member for several years, and twice the president, of the organizing committee of the annual fundraising ball of the Montréal Alzheimer Society.

Since 1999, she has been a member of the Rotary Club of Old Montréal, of which she is the current president.

She is a two-time recipient of the "Rotarian of the Year" trophy, in spring 2002 and spring 2003, to highlight her sustained involvement in the community.

In 2005, she was the recipient of the *Médaille des arts et métiers du multiculturalisme*, in recognition of the quality of her work and achievement "in the legal, social and intercultural fields".

She was head of the labour and employment law group and a member of the Board of Directors for a major law firm.

She was a member of the Board of Directors (2000-2003) and of the Executive Committee (2001-2003) of *Lex Mundi*, the world's largest international association of independent law firms.

She was chairperson of the *Women and the Law Committee of Lex Mundi* from 2001 to 2003 and, as such, she organized conferences on various themes, including "work/family reconciliation", within law offices, around the world.

She also provided mandatory permanent training sessions for American jurists, organized by the *American Law Institute* and the *American Bar Association* who also published her work in their reference books.





# General information about the OMBUDSMAN DE MONTRÉAL

## Mandate

When the Municipal Council of Ville de Montréal created the **OMBUDSMAN DE MONTRÉAL** position, in 2002, there was no other municipal ombudsman in Canada. Thus, resulted a unique and innovative role in Canadian municipal government.

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

The ombudsman intervenes when she has reasonable grounds to believe that a person or group of persons has been adversely affected, or is likely to be affected, due to the act, decision, recommendation or omission of an employee or representative of the City, or of a paramunicipal agency or City-controlled corporation.

Until December 2005, the **OMBUDSMAN DE MONTRÉAL**'s powers of intervention were regulated only by the provisions of the *By-law concerning the ombudsman*, according to which the ombudsman could never intervene if the citizen's dissatisfaction resulted from a decision, recommendation, act or omission originating from elected representatives

As of January 1, 2006, however, the new *Montréal Charter of Rights and Responsibilities* expands the mandate of the **OMBUDSMAN DE MONTRÉAL**, who will now also assume responsibility for dealing with files based upon this Charter, including certain "political" decisions.

However, the **OMBUDSMAN DE MONTRÉAL** still cannot intervene in files concerning labour relations, nor does she have any jurisdiction over complaints regarding the peace officers of the Service de police de la Ville de Montréal or the activities of the Société de transport de Montréal.

The **OMBUDSMAN DE MONTRÉAL** has broad investigatory powers and city representatives must cooperate with her and her team. Upon completion of an investigation, the ombudsman may recommend any measures she deems appropriate. If a favourable response is not obtained, following such recommendation, the ombudsman can report this to the Executive Committee, the City Council or the relevant Borough Council and request their support and intervention.

The **OMBUDSMAN DE MONTRÉAL** only intercedes as a **last resort recourse**. Before requesting her intervention, citizens must have exhausted available internal procedures to try to resolve the problem at hand.

## Mission

The **OMBUDSMAN DE MONTRÉAL** team offers citizens a sympathetic ear and a new look at their case. When she deems it appropriate, the ombudsman may intervene with city representatives, on the citizen's behalf.

Citizens who resort to the services of the **OMBUDSMAN DE MONTRÉAL** can be sure they will be fully heard and that all their comments will receive serious and impartial consideration. All members of the **OMBUDSMAN DE MONTRÉAL** team are empathetic, open and often innovative. When the **OMBUDSMAN DE MONTRÉAL** takes on a new file, she is always completely impartial.

The **OMBUDSMAN DE MONTRÉAL** and her team must take relevant laws and internal procedures into account. However, they are not bound by the city's "past or usual practices". They will inquire as to the "raison d'être" of these rules and their intervention often brings a golden opportunity to update or modernize certain practices or procedures that have been in effect for years.

In instances where she concludes that the contested decision is just and reasonable, the **OMBUDSMAN DE MONTRÉAL** or a member of her team will take the necessary time to make sure the citizen fully understands why this is so.

Through her interventions and investigations, the **OMBUDSMAN DE MONTRÉAL** does not look for a guilty party. She would rather emphasize on finding a satisfactory resolution, if a problem has been identified.

The preventive and positive impact of the **OMBUDSMAN DE MONTRÉAL**'s interventions are considerable. The corrective measures enacted following her interventions often allow other citizens to avoid confronting the same problem.

## Values

In all of their actions, the **OMBUDSMAN DE MONTRÉAL** and her team act with **Respect, Empathy, Neutrality and Impartiality**, in seeking a **Just and Equitable** solution.

# General information about the OMBUDSMAN DE MONTRÉAL

## Apolitical independent position

The OMBUDSMAN DE MONTRÉAL is apolitical and wholly independent from the municipal administration.

The ombudsman and her team are completely dedicated to their mandate and perform no other function within the city's administration, so as to never run the risk of finding themselves in a conflict of interest situation.

As a condition of employment, no employee of the OMBUDSMAN DE MONTRÉAL has connections with any of the Montréal's municipal political parties.

The current OMBUDSMAN DE MONTRÉAL, Ms. Johanne Savard, was named unanimously by the City Council, where city councillors from all of Montréal's boroughs and all political allegiances sit.

The OMBUDSMAN DE MONTRÉAL enjoys a great deal of freedom in the internal organization of her office, in her working methods and in the handling of her files. Neither the municipal administration nor the elected officials can intercede on this score.

Despite her great autonomy, 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, present the City Council with a written report on the fulfilment of her office's functions, over the preceding 12 months.

## Logo

Since 2005, the OMBUDSMAN DE MONTRÉAL has a new distinctive logo.



Elaborated from 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.

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 to resolve problems.

The **blue** colour of this signature is no accident. Blue symbolizes communication, self expression, creativity and peace. It also refers to the water surrounding Montréal.

## Team

The OMBUDSMAN DE MONTRÉAL team is made of seven persons including the Ombudsman, the Deputy Ombudsman, a principal adviser and two para-legal/investigators.

This team is assisted by two secretaries.

## 1. SWIFT EFFICIENT SERVICE

### Speed of service

The citizen who seeks recourse to the OMBUDSMAN DE MONTRÉAL receives verbal confirmation of receipt of his/her file and a summary explanation of the ensuing steps, within a period of 24 working hours following receipt of a request.

Within a period that generally does not exceed two working days, the OMBUDSMAN DE MONTRÉAL addresses the citizen a written acknowledgment of receipt, confirming the name and contact information of the person responsible of handling his/her file.

Our 2005 statistics show that approximately 80% of the people who sought assistance from the OMBUDSMAN DE MONTRÉAL received a final response within one (1) month or less.

### Confidentiality

The OMBUDSMAN DE MONTRÉAL strives to protect the confidentiality of her files, as much as possible.

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

From the outset, the request form that citizens complete explains the extent and limits to this confidentiality.

Citizens must understand that, in order to adequately handle a file, the OMBUDSMAN DE MONTRÉAL will have to discuss the case with the city representatives who made the contested decision. Moreover, in all instances in which she intervenes or investigates, the OMBUDSMAN DE MONTRÉAL must, in accordance with the *By-law concerning the ombudsman*, inform the Director of the concerned department or borough and offer him/her the opportunity to explain the decision. The Directeur général of Ville de Montréal must also be notified.

All files are kept in locked filing cabinets, in an area off-limits to the public and visitors. Our paper files are accessible only to the OMBUDSMAN DE MONTRÉAL team members.

The computerized file management system is reserved exclusively for the use of the OMBUDSMAN DE MONTRÉAL team.

Neither elected officials nor Ville de Montréal employees have access to these files.

The OMBUDSMAN DE MONTRÉAL team does not keep copies of the documentation consulted in the course of its investigations. All documents are returned to the borough or department to which they belong.

### Helping as much as we can

Empathy is at the heart of all the interventions undertaken by the OMBUDSMAN DE MONTRÉAL team.

However, citizens often submit problems that fall outside of their jurisdiction and that the OMBUDSMAN DE MONTRÉAL cannot resolve. Even in such cases, the OMBUDSMAN DE MONTRÉAL team strives to offer a maximum of useful information and always tries to redirect the citizens to another resource which could be able to assist them.

*"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 citizen."*

## 2. EVEN MORE ACCESSIBLE SERVICE

### Bilingual service

The OMBUDSMAN DE MONTRÉAL offers her services in French and English, and her website, online since 2004, has been available in English as well since early 2005.

### Multilingual information

A short summary explaining the services offered by the OMBUDSMAN DE MONTRÉAL now appears on her website, in 14 languages other than French and English.

Citizens who seek the OMBUDSMAN DE MONTRÉAL help, however, remain responsible for finding a person who speaks English or French with whom the OMBUDSMAN DE MONTRÉAL will be able to discuss the file.

### Simplified Language, Alternative Spelling, Braille

The OMBUDSMAN DE MONTRÉAL French website now contains information in Simplified Language and in Alternative Spelling, for intellectually challenged persons.

The OMBUDSMAN DE MONTRÉAL and her team's business cards are also printed in Braille.

# Accomplishments of the OMBUDSMAN DE MONTRÉAL in 2005

## Online request form

Citizens can now access our request form online, on the **OMBUDSMAN DE MONTRÉAL** website. They may complete and return this form via Internet. This simplified procedure thus facilitates recourse to our services.

Notwithstanding the above, requests can also be submitted by telephone, mail, e-mail, fax or in person.

## 3. NEW CODE OF ETHICS

During the year 2005, the **OMBUDSMAN DE MONTRÉAL** team unanimously adopted a new Code of Ethics, which is now posted in the ombudsman's office and on the website.



### CODE OF ETHICS

*THE OMBUDSMAN DE MONTRÉAL OFFERS A FREE, LAST RESORT RECOURSE TO PERSONS OR GROUPS OF PERSONS WHO BELIEVE THEY ARE ADVERSELY AFFECTED BY A DECISION, RECOMMENDATION, ACTION OR OMISSION OF THE VILLE DE MONTRÉAL.*

*THE OMBUDSMAN DE MONTRÉAL TEAM ACTS WITH RESPECT, EMPATHY, NEUTRALITY AND IMPARTIALITY.*

*THE OMBUDSMAN DE MONTRÉAL IS APOLITICAL, AUTONOMOUS AND INDEPENDENT FROM THE MUNICIPAL ADMINISTRATION AND ELECTED REPRESENTATIVES.*

*THE OMBUDSMAN DE MONTRÉAL MUST PROTECT THE CONFIDENTIALITY OF INFORMATION HE RECEIVES, WITH REGARD TO HIS FILES. HE, THEREFORE, IMPLEMENTS AND MAINTAINS APPROPRIATE MEASURES TO ENSURE THAT HIS FILES ARE ACCESSIBLE ONLY TO THE MEMBERS OF HIS TEAM.*

*NEITHER MANAGERS, EMPLOYEES, ELECTED REPRESENTATIVES OF THE VILLE DE MONTRÉAL, NOR CITIZENS OR OTHER PERSONS, HAVE ACCESS TO THE OMBUDSMAN DE MONTRÉAL'S FILES OR TO THE INFORMATION THEREIN.*

*THE OMBUDSMAN MAY, HOWEVER, COMMUNICATE TO OTHER PERSONS INFORMATION THAT HE DEEMS RELEVANT TO EFFECTIVELY INQUIRE INTO OR RESOLVE A CASE. <sup>1</sup>*

*THE OMBUDSMAN DE MONTRÉAL TEAM AVOIDS SITUATIONS THAT MAY LEAD TO CONFLICTS OF INTEREST, REAL OR INFERRED: THEREFORE, IT CANNOT ACCEPT GIFTS OR RETRIBUTIONS FROM PERSONS WHICH ARE OR COULD BE INVOLVED WITH A CASE.*

*WHEN ISSUING A RECOMMENDATION, THE OMBUDSMAN DE MONTRÉAL STRIVES TO FIND A SOLUTION THAT IS JUST AND EQUITABLE FOR ALL.*

<sup>1</sup> SUBJECT TO APPLICABLE LAWS AND TO THE OMBUDSMAN'S RIGHT TO MAKE COMMENTS ON FILES OF PUBLIC INTEREST.

A CITIZEN MAY ONLY REQUEST THE RETURN OF DOCUMENTS HE/SHE PERSONALLY SUBMITTED.

## 4. COMPUTERIZED FILE MANAGEMENT

In 2003, the Ville de Québec's office of the ombudsman consented the right for free use of the computerized file management system it had developed to serve its needs to the **OMBUDSMAN DE MONTRÉAL**. This tool offered major improvements over the system previously used at the **OMBUDSMAN DE MONTRÉAL**'s office. However, major differences between Montréal and Québec, in terms of file handling procedures, led to the realization that the Québec system did not fully meet the needs of the **OMBUDSMAN DE MONTRÉAL**.

The **OMBUDSMAN DE MONTRÉAL** team identified the additional information required to conduct their daily tasks and, as a result, a new, improved system was developed to meet our specific needs. This system is to become operational as of January 1, 2006.

## 5. PROMOTING THE SERVICE

Concerned with the importance of making the unique service offered by her team more widely known, the **OMBUDSMAN DE MONTRÉAL** continued her efforts to inform the public at large as well as the ethno-cultural communities, community groups, city representatives and partners of her role and mandate.

### In 2005, the Ombudsman met with representatives of:

- La Société du parc Jean-Drapeau
- Les juges de la cour municipale de Montréal
- Le Service de police de la Ville de Montréal
- Le Service des incendies et de la sécurité publique
- Le Conseil du patrimoine de Montréal
- La Société de développement communautaire de Montréal (SodecM)
- La Commission des droits de la personne et des droits de la jeunesse du Québec
- Le Conseil de la recherche sur les nouvelles religions (CRNR), affiliated with Université de Montréal
- Le Conseil interculturel de Montréal
- Le Protecteur du citoyen du Québec
- Le Centre de consultation et de concertation.

# Accomplishments of the OMBUDSMAN DE MONTRÉAL in 2005

## Particular attention was also given to strengthening connections with ethno-cultural groups, through:

- Interviews with various ethno-cultural media
- Presentations or mini conferences to ethno-cultural or inter-cultural groups
- Participation in ethno-cultural activities
- Training of the OMBUDSMAN DE MONTRÉAL personnel regarding certain cultural and/or religious practices.

## As well, the OMBUDSMAN DE MONTRÉAL took advantage of the presentation of her Annual Report 2004 to explain her team's accomplishments through:

- **A press conference**, in March 2005, to present the Annual Report 2004
- **A working session** with the Commission de la présidence du conseil de la Ville, to discuss the content of the aforementioned Report with the members of this commission
- **A public meeting of the Commission de la présidence du conseil** during which citizens had the opportunity to ask questions to the OMBUDSMAN DE MONTRÉAL and offer constructive comments.

## 6. MEDIA COVERAGE

The media is, unquestionably, an exceptional resource for an organization to spread its message.

In 2005, the OMBUDSMAN DE MONTRÉAL pursued her efforts in this regard and received extensive media exposure:

- Recurring televised clips on Canal Vox
- Recurring messages on the Canal Vox website
- A one hour interview on Canal Vox
- Short interviews on major Montréal television stations, in English and in French
- Interviews on major radio stations in English and in French
- Interviews on community radio stations
- Interviews on student radio stations
- Interviews and articles in major newspapers
- Interviews with ethno-cultural newspapers published in German, Amerindian, Arabic, Armenian, Bulgarian, Iranian, Italian, Latvian, Phillipino, Portuguese, Hungarian or Russian
- Articles in the Journal du Barreau
- Article in the Journal des étudiants en droit de l'Université de Montréal, Le Pigeon Dissident
- Article in the student newspaper of the Université du Québec à Montréal, Montréal Campus.

## 7. INTERNATIONAL NETWORKING

### During 2005, the OMBUDSMAN DE MONTRÉAL had the opportunity to discuss and/or present her role to international representatives:

- Meeting with parliamentary delegates from Wallonia
- Work session with a delegation from the *Citizen's Complaints Office* of Shanghai
- Attendance at an International conference on the administration of large cities, worldwide, on the theme of "Women and Local Politics".

## 8. TRAINING, SYMPOSIUMS AND CONFERENCES

The OMBUDSMAN DE MONTRÉAL takes advantage of opportunities to promote the exceptional services offered by her team and to share the experience acquired in the management of citizen's complaints.

The ombudsman also considers it is imperative to maintain her knowledge and competency at a very high level, as well as that of her entire team. Therefore, the OMBUDSMAN DE MONTRÉAL and the members of her team participated in symposiums, conferences and activities to establish connections with interesting resource persons, while receiving relevant and useful training, notably:

- International Women's Day
- Symposium to promote sensitivity to and exchange on ethno-cultural diversity
- Training on climate change and on its impact on municipal administrations
- Dealing with media: why and how?
- Training on harassment in the workplace
- Conference on the administration of justice and freedom of the press
- Training on public consultation and public participation in the decision making process
- Training on how to manage difficult situations
- Training on how to manage difficult persons
- Training on mediation
- Training on the efficient management of complaints
- Forum on diversity
- Seminar on racial profiling and on how to deal with diversity
- Forum on the concept of reasonable accommodation and partnership
- Meetings on institutional ethics and ombudsmans
- Conference by the "Comité égalité" of the Canadian Bar Association

# Accomplishments of the **OMBUDSMAN DE MONTRÉAL** in 2005

- Conference of the Forum of Canadian Ombudsmans—*“Comblent les différences et établir des relations : trouver un terrain d’entente”*
- Conference given on *“Efficient Management of Complaints”*
- Conferences given to high school students on the role and mandate of the **OMBUDSMAN DE MONTRÉAL**
- Training given to new employees of Accès Montréal.

## 9. NEW MONTREAL CHARTER OF RIGHTS AND RESPONSIBILITIES

During the year 2005, Ville de Montréal innovated yet again, in terms of municipal democracy, with the adoption of the new *Montréal Charter of Rights and Responsibilities*, which entered into effect on January 1, 2006

During the fall of 2005, the **OMBUDSMAN DE MONTRÉAL** team actively prepared for the introduction of this new Charter. Analysis, group discussions, doctrinal research, research of relevant court precedents, review of the numerous documents referred to in the preamble of the Charter, meetings and discussions with representatives of the Sommet de Montréal, who are proponents of this project since 2002, and much more.

The **OMBUDSMAN DE MONTRÉAL** has also participated in information and training sessions for the employees responsible for co-ordinating the broadcasting of the Charter in their borough or department.

Furthermore, the ombudsman met with SodecM representatives and offered her support in all their efforts to broadcast and promote the Charter to community and ethno-cultural groups.

# Action plan of the OMBUDSMAN DE MONTRÉAL for 2006

The OMBUDSMAN DE MONTRÉAL and her team start the year 2006 with the theme *Building bridges*.

## 1. STRUCTURE

The OMBUDSMAN DE MONTRÉAL team includes competent and energetic people who will continue to:

1. Offer a conscientious and personal service, attentive to citizens
2. Ensure meticulous follow-up of all files
3. Treat all persons concerned with a file fairly and equitably
4. Protect file confidentiality by all possible means
5. Execute their tasks with diligence and exemplary ethics.

## 2. MONTRÉAL CHARTER OF RIGHTS AND RESPONSIBILITIES

The coming into force of the new *Montréal Charter of Rights and Responsibilities* will bring major challenges.

Montréal has undertaken to promote the values and principles set forth in this Charter. These municipal commitments are unique in North America. Particular emphasis is also placed on the responsibility of Montréal citizens to contribute positively to the promotion and protection of these values and principles.

This Charter is binding for Montréal and its boroughs.

This Charter is not intended to serve as the basis for a legal recourse. Citizens who believe that their Charter rights have been violated can file a complaint with the OMBUDSMAN DE MONTRÉAL. It should be noted that only a physical person living within the city territory can submit a request based upon this Charter.

As of January 1, 2006, the OMBUDSMAN DE MONTRÉAL becomes the "guardian" of the *Montréal Charter of Rights and Responsibilities*, this new jurisdiction adding to her mandate.

Henceforth, in the handling of all of her files, the OMBUDSMAN DE MONTRÉAL must now interpret municipal by-laws in a manner consistent with the aforementioned Charter.

Moreover, when the principal basis for a complaint arises from the said Charter, the OMBUDSMAN DE MONTRÉAL can now investigate decisions, recommendations, acts or omissions issued by a Borough Council, the Municipal Council or the Executive Committee of Ville de Montréal. For the first time, therefore, the OMBUDSMAN DE MONTRÉAL can intervene over some political decisions.

A communication, information and training campaign will be set into motion to heighten public's, as well as that of elected representatives' and municipal administrators' awareness, with consideration to the new commitments arising from this Charter.

## 3. VISIBILITY

In 2006, the OMBUDSMAN DE MONTRÉAL will maintain her efforts to publicize the existence of the OMBUDSMAN DE MONTRÉAL and to facilitate access to her services:

- Participation in major public events to inform citizens in attendance
- Presentations to students and professors from various universities
- Meetings with community groups
- Meetings with ethno-cultural representatives
- New multilingual poster
- New information brochure
- New information brochure in Simplified Language, Alternative Spelling and Braille
- New bookmark in French, English, plus 14 different languages, and Braille
- Audio access to information contained on her website, for the visually impaired
- Translation in English of the information offered in Simplified Language, on her website
- Increased media coverage.

# Update on some 2004 files

## 1. MUNICIPAL COURT—LIMITED ACCESS TO CRIMINAL FILES OF INNOCENT PERSONS

In its 2004 Annual Report, the **OMBUDSMAN DE MONTRÉAL** mentioned a **RECOMMENDATION** she had issued to the *Direction des affaires pénales et criminelles*, to limit public access to criminal files from the *Cour municipale de Montréal*, in the case of persons acquitted, or otherwise freed from the criminal accusations that had been brought against them.

In the course of the year 2005, this file have progressed considerably:

Since May 1, 2005, any person acquitted or otherwise freed from a criminal accusation can submit an application to the *Cour municipale de Montréal*, to request that the information pertaining to this file which is contained in this Court docket, becomes inaccessible to the public.

The *Direction des affaires pénales et criminelles* confirmed that this new procedure was distributed and explained to every employee of the *Cour municipale*.

The *Direction des affaires pénales et criminelles* elaborated a simple form that the interested person must fill out to request to limit the access to their file on the municipal court docket.

A communication plan was also elaborated by the *Direction des affaires pénales et criminelles* to make known the new procedure. We have got confirmation that:

- The new procedure was posted at the door of each court room, on the main court premises and in all service points
- Since September 2005, an information document is handed to defendants and to attorneys, in the court room, in every case where this new procedure may apply
- Prosecuting attorneys, judges and clerks of the *Cour municipale de Montréal* were informed of this new procedure and were asked to inform the defendants concerned of its existence, the very day of the relevant judgment; An information document as well as the application form are available to attorneys and to the public, at the main court premises as well as in all service points of the *Cour municipale de Montréal*
- The *Association des avocats de la défense* was informed of this new policy
- Advertising announcing this new procedure were published in the *Journal du Barreau* and in the *Journal de Montréal* and the *Direction des affaires pénales et criminelles* also committed themselves to publish an English version in *The Gazette*
- This new procedure and the application form are also available on the city's website. Citizens can download the form which they can send to the *Cour municipale* clerk, once completed.

Thanks to the intervention of the **OMBUDSMAN DE MONTRÉAL**, innocent people can finally benefit from a protection against the unlimited access to their file, on the *Cour municipale* docket.

According to the information received, the *Cour municipale* has received 182 applications of this nature, between May and December 2005, which allowed 94 citizens, who had been acquitted or otherwise liberated, to prevent their criminal file from being accessible to the public.

### Extra-territorial impact?

This **RECOMMENDATION** issued by the **OMBUDSMAN DE MONTRÉAL** could have an impact beyond the territory of *Ville de Montréal*.

We have indeed been told that, at the last Convention of Québec municipal court clerks, the assistant justice chief of *Cour du Québec*, who is also responsible for municipal courts, would have praised this new procedure and encouraged the other municipal courts of Québec to follow *Montréal's* example.

## 2. SOCIAL HOUSING—OMHM

In response to the dissatisfaction expressed by some tenants or potential tenants, as mentioned in our 2004 Annual Report, we have recently been informed that the *Office municipal d'habitation de Montréal (OMHM)*, will be setting up its own complaints office, in the spring of 2006.

### This initiative deserves to be mentioned.

The process of complaints submitted by the lessees or any other citizen will be simplified and quicker. The **OMBUDSMAN DE MONTRÉAL** is confident that this will contribute to improve the quality of the relationship between citizens and the administration of the *OMHM*.

## 3. TREES—HONEYDEW

In 2005, the **OMBUDSMAN DE MONTRÉAL** received 15 requests for intervention related to trees, of which only 2 concerned the problems caused by honeydew.

We will remember that, in 2004, the **OMBUDSMAN DE MONTRÉAL** had processed many files relating to honeydew, following which she had suggested to the boroughs struggling with such problems that they should share information and work together toward the elaboration of more uniform measures and solutions, from one borough to the next.

According to the information received from boroughs, during 2005, a new treatment would have been found and will be used systematically, in many boroughs, as early as 2006, to prevent honeydew. It would appear that collaboration and working together has allowed the boroughs affected by the problem to come to a uniform approach for citizens.

Let us now cross our fingers, hoping that this new treatment will produce good result.



During the course of 2005, the **OMBUDSMAN DE MONTRÉAL** processed 557 citizens' requests, including 16 requests received in 2004. On December 31, 2005, only 25 of these files were still active.

## In many cases, the request did not give rise to an exhaustive investigation:

- Either because the solution to the problem was already known to the **OMBUDSMAN DE MONTRÉAL** team
- Either because the citizen had not exhausted the internal administrative recourses available before turning to us. We only intervene as a last resort recourse
- Either because the nature of the problem did not fall within our jurisdiction.

But even in these cases, the **OMBUDSMAN DE MONTRÉAL** personnel always took the time to listen and fully understand the nature of the problem submitted, to explain why they could not intervene and, if appropriate, to redirect the citizen towards another resource.

In 223 cases, however, the **OMBUDSMAN DE MONTRÉAL** proceeded to an exhaustive investigation.

A conclusion favourable to the citizen was issued in 57 of these files: 23 files were resolved amicably, whereas in 34 cases, a formal **RECOMMENDATION** was issued by the **OMBUDSMAN DE MONTRÉAL**.

All **RECOMMENDATIONS** issued in 2005 were accepted and implemented by the concerned department or borough.

## EXAMPLES OF CASES PROCESSED IN 2005

### 1. ZONING CHANGE—ACQUIRED RIGHTS

A commercial building owner asked the **OMBUDSMAN DE MONTRÉAL** to intervene because his borough refused to recognize the acquired rights he was convinced he had, regarding the activities that could be practiced in the premises that he leases. The facts are relatively simple:

- From November 15, 2002 until June 30, 2004, this owner was leasing the premises to a person who operated an automobile repair shop, in compliance with the zoning by-laws in force at the time
- On June 30, 2004, this business ceased its occupation of the premises
- The owner immediately started to look for another lessee to engage in the same kind of activity, in the same location

- On September 23, 2004, while the premises were still vacant, the borough modified its zoning by-laws limiting commercial and industrial activities permitted in this sector: automobile repair shops were no longer permitted in this zone
- These zoning modifications aim to promote residential development in the sector concerned, by limiting certain commercial activities susceptible of being detrimental to the quality of life of eventual residents
- In early November 2004, the owner found a new lessee interested in operating an automobile repair shop in his premises
- But, when this lessee asked for his municipal permit, the borough informed him that this commercial activity was no longer permitted and that, consequently, the request for a permit was denied
- The citizen took numerous steps with public employees and elected officials, to try and have his acquired right recognized to lease the premises for the operation of an automobile repair shop, but all of his efforts failed
- He therefore requested the intervention of the **OMBUDSMAN DE MONTRÉAL**.

After having received, from the borough authorities, the reasons justifying their refusal to issue a permit, the **OMBUDSMAN DE MONTRÉAL** studied the file and proceeded to an in depth analysis of the concept of acquired rights, in such circumstances, by examining, namely, how the courts had applied it.

She then submitted to the borough, a notice in which she recommended that acquired rights be recognized to the owner of these premises. This conclusion was based on the fact that the activity of automobile repair had been legally operated before the modification to the zoning by-law and also because, after the departure of the previous lessee, the owner had quickly started searching for a new lessee to pursue the same kind of activity. There was, therefore, no indication from the owner of an intention to waive his acquired right to lease the premises for the purpose of operating an automobile repair shop.

Following her intervention, the borough requested a legal opinion from the Direction du contentieux.

This action from the borough was taken in good faith. Indeed, we can understand that the acknowledgement of certain acquired rights regarding activities deemed incompatible with the neighbourhood's new plan of residential development could evoke reservations, at least, in the beginning.

After receiving this legal opinion, the director of the Borough confirmed that he accepted the **OMBUDSMAN DE MONTRÉAL** conclusions and that the borough would recognize the acquired rights of the owner to lease these premises for the purpose of operating an automobile repair shop.

# Files handled by the **OMBUDSMAN DE MONTRÉAL** in 2005

However, we have informed the owner that these acquired rights are not eternal and that according to the zoning by-laws, it is imperative that he actually exercises them, before the expiration of a 12-month period. The borough however accepted that this 12-month period starts only from the date when the acquired rights were finally recognized, thus, November 7, 2005.

In other words, if these premises are not actually operated as an automobile repair shop before November 6, 2006, neither the citizen nor any lessee will be permitted to start such activities, in these premises.

We also reminded the owner that other commercial practices remained authorized by the modified zoning by-laws and that, consequently, it could be cautious to also explore the possibility of leasing his premises for one of these other practices.

## 2. ILLEGAL OCCUPATION OF AN ALLEY

A citizen was disputing the fact that her borough was refusing to let her continue occupying the alley located behind her residence.

This occupation of the alley, by her as well as many other residents, was taking place without the consent of the Borough Council or the Municipal Council, whom are yet the only entities having the authority to consent to the sale or the occupation of such public property.

The study of the file revealed that, in 1995, the citizen's spouse had undertaken a procedure so that the bordering residents could purchase and occupy this alley belonging to the city. The Service de l'approvisionnement et des immeubles of Ville de Montréal at the time had, however, objected categorically to this request because public utility still in operation was implanted below the alley in question.

Despite this refusal, the residents started occupying the alley. They built fences and sheds on public property. The citizen indicated that, at the time, a municipal councillor from her borough would have told her he was not opposed to this.

All of the parties involved have recognized that, in this borough, citizens have encroached on public property in many alleys, sometimes, for many years. And in most cases, neither the city nor, more recently, the borough, have intervened to demand the removal of the fences and sheds built on public property.

The **OMBUDSMAN DE MONTRÉAL** therefore looked very closely to the circumstances for which, in this particular case, the borough had decided to send a notice to residents, demanding that the illegal encroachment cease and the restoration of the site.

We conferred with many of the city representatives, analysed the borough's entire file and even went on site, to see the present situation.

Our inquiry showed that it was the breach of a pipe, in another alley located nearby, that prompted the borough officials to make a close study on public utility pipes in this area and on the problem of illegal encroachment.

Following the breach of a pipe, approximately two years ago, the borough requested that its Direction des travaux publics carry out a preliminary study on the state of municipal sewage. This study showed that in at least 25 different places, the sewage located below the alleys was in an advanced state of degradation.

The Direction des travaux publics sensitised the borough to the fact that when breaches would occur, the teams deployed to make the repairs would have a lot of difficulty intervening quickly and efficiently, due to the presence of fences and sheds above the sewage. Indeed, before they gain access to the sewage, the employees would need to move, or destroy, all obstacles installed by the residents.

Despite the resulting inconvenience for the bordering residents, the **OMBUDSMAN DE MONTRÉAL** is of the opinion that the borough is justified in demanding that the illegal encroachment cease.

We must emphasise that the borough committed itself to proceed with respect and empathy for the people involved. Representatives will meet with the owners concerned to discuss of a reasonable schedule for the removal of all of the installations encroaching the alley.

Furthermore, we have reminded the citizen that when they reinstall their fences and other installations, it will be important to make sure that the compulsory standards in regards to the height and positioning of these installations, in relation to the borders of the lot, be strictly respected.

## 3. FASTER MANAGEMENT OF EXCESSIVE NOISE COMPLAINTS

In 2005, the **OMBUDSMAN DE MONTRÉAL** processed 16 complaints relating to excessive noise, as opposed to 9 in 2004.

The citizens complained most often of the noise coming from neighbours' air conditioning systems, ventilation apparatus, or air conditioners installed on the rooftops of buildings. These files were evaluated in light of noise standards authorized by the applicable by-law, in the concerned area.

In 2005, however, many citizens living in the boroughs stemmed from the former Ville de Montréal pre-January 2002, also complained of the long delays in the treatment of their file. Some citizens had been told that their complaint probably could not be processed for 4 to 6 months, thus after the air conditioning systems in question would have been turned off for winter. These citizens were dumbfounded, even exasperated by these answers, so they requested the intervention of the **OMBUDSMAN DE MONTRÉAL**.

# Files handled by the OMBUDSMAN DE MONTRÉAL in 2005

Our investigations confirmed that, in 2005, there were only two inspectors charged with processing all complaints related to noise, for the 9 boroughs which constitute the former Ville de Montréal. There also appears to be a lack of technical resources to proceed with the analysis of noise measurements taken and to do a follow-up of these files.

Therefore, the OMBUDSMAN DE MONTRÉAL intervened with city representatives involved to sensitise them to this important problem.

The collaboration of these city representatives was positive and the OMBUDSMAN DE MONTRÉAL obtained their commitment that satisfactory improvements would be brought, as early as 2006, in order to ensure the adequate treatment of the citizens' complaints regarding excessive noise, in a timely fashion.

City representatives are presently working on the elaboration of a solution aimed at improving the delays in the treatment of noise complaints.

This file is following its course and the OMBUDSMAN DE MONTRÉAL continues her follow-ups to ensure that adequate rectification measures are put forward, in the best delays.

## 4. RESERVED PARKING—PERSON WITH DISABILITIES

A citizen requested the intervention of the OMBUDSMAN DE MONTRÉAL in order for the city to grant, in front of his residence, a reserved parking for persons with disabilities, between 8:00 a.m. and 5:00 p.m. This request aimed at allowing the paratransit service vehicles he uses to park in front of his residence. According to this citizen, such a parking space would allow him to access the paratransit vehicle more easily.

The borough had always refused to give effect to the citizen's request, which was submitted repeatedly.

In this borough, the allocation of parking or landing spaces reserved for persons with disabilities is regulated by a policy, aimed to assure people with disabilities, a safe and easy access to their transport vehicle, whether it is a personal vehicle or a paratransit vehicle.

According to this policy, the city reserves a parking zone, in front of the residence of a person with disabilities, only if there is no other access available nearby, allowing this person to have a safe and easy access to the vehicle.

We arranged a meeting with the citizen, borough officials, as well as a representative of Société de transport de Montréal (STM).

The STM representative showed up to the meeting with a paratransit vehicle identical to the ones used by the citizen, a fortunate initiative which helped a great deal in the understanding of the situation.

The STM representative proceeded to the demonstration of the method followed by the STM drivers. It quickly appeared that this procedure, according to which the driver immobilizes its vehicle in the street, in a 45 degree angle, was the safest. The vehicle is blocking the traffic and, at the time of transport of the wheelchair, the driver and citizen are protected by the paratransit vehicle.

If the vehicle parked in a reserved space, in front of the residence as the citizen requested, the safety risks for him and the driver would be greatly increased. To access the ramp, the wheelchair would be in the street, while other vehicles are circulating.

The OMBUDSMAN DE MONTRÉAL therefore concluded that all of the entities had acted in the best interest of the citizen and that there was no reason to request a reserved parking space, in front of his residence.

## 5. PROTECTING ANGRIGNON PARK'S FOREST

A citizen requested our intervention for a better maintenance of the part of Angrignon Park's forest, located in front of her residence. She was complaining of the presence of high grass between the trees, branches on the ground, twisted trees, etc.

Our investigation revealed that, until 1995, there was a regular mowing of grasses in Angrignon Park's forest. But, according to the experts, this practice of regular human interventions had a negative impact on the forest, by hindering natural regeneration.

Since 1995, this part of the park is considered a "re-naturalizing zone" and, consequently, the city must no longer do any reaping of high grass, or any mowing of grass.

To ensure its long term survival, this section of the park must be left in its natural state, i.e. a forest environment, and there must be no human intervention, apart from exceptional cases, such as:

- If a tree threatens the safety of a house or a person
- For the eradication of the buckthorn, an invading species which hinders the development of the forest
- To pick up rubbish, with delicacy.

Moreover, this approach is in accordance with the new commitments taken by Ville de Montréal, over the past years, in the matter of the protection of the environment and of the natural heritage. Let us emphasize, namely, the *Policy on the protection and enhancement of natural habitats*, adopted in 2004, and the *Montréal Charter of Rights and Responsibilities*, adopted in 2005.

This approach, however, requires a change of view for some citizens to whom the impeccable "aesthetic" aspect of all parks remains desirable.

# Files handled by the **OMBUDSMAN DE MONTRÉAL** in 2005

The benefits generated by the natural habitats, in an urban environment, are important and superior to the inconvenient of a less "aesthetic" forest. It should be noted that other citizens do appreciate the concept of a "wilder" forest, and the added privacy it can procure.

Therefore, the **OMBUDSMAN DE MONTRÉAL** did not intervene in the way the citizen wanted. On the contrary, she will pursue her interventions in order to ensure that the new policy aimed at securing the natural revitalisation of Angrignon forest is respected, by all boroughs and departments concerned.

## 6. NOISY FESTIVALS

A citizen complained about the excessive noise generated during the festivities related to Canada Day and Fête nationale du Québec as well as during other events planned in the park located beside his residence. This citizen wanted the unfolding of the loud activities to take place during reduced hours or even, that these events be relocated to another site.

We discussed the situation with the borough representatives to explore the possible approaches, in order to minimise the inconvenience undergone by the residents of the area.

It rapidly appeared that the idea of relocating the concerned activities to another site was not an appropriate solution. The actual site was especially arranged, at high cost, for holding such events. It is located in the centre of the borough, and access is easy. This park was specially conceived to welcome a great number of people at the same time, and in a way that the cleaning and restoring of the site, after an event, can be quick and easy.

It is also relevant to note that these festivities generally seem appreciated since, every year, a great deal of people attends the events.

Among the main disadvantages the citizen was complaining about, the shows presented in the evening, and their preparation, seemed particularly disturbing. According to the citizen, the musicians and singers produced a high level of noise, for many hours, during the day rehearsals, and the shows ended often too late.

Following our interventions, the borough accepted to collaborate to minimize, as much as possible, the nuisance for the citizens living near the park:

- It committed itself to having daytime rehearsals of a maximum of 45 minutes each, to be held only between 4:00 and 6:00 p.m., the day of the event
- It was also decided that sound testing could only occur between 12:00 and 4:00 p.m., and that they would last no longer than one hour
- It accepted to reorient the speakers in the opposite direction of the citizen's residences
- It committed itself to having the evening shows end at 11:00 p.m., at the latest.

The citizen had also mentioned his concerns regarding safety issues, on the site of the event, as well as near his residence, more specifically, when a large group of citizens meet together or move simultaneously.

The borough therefore prohibited any circulation of vehicles in the streets surrounding the park, during events. Moreover, it secured the presence of extra police officers and firemen. Some adjustments were made to the site, to further facilitate the evacuation of merrymakers within 30 minutes following the end of the activities.

Another aspect which was bothering the citizen was the clean-up operation. He was complaining that they started immediately after the activities, generating more noise, late into the night.

According to the borough, the presence of clean-up crews immediately after the activities accelerates the evacuation of the site, by the last merrymakers, and also prevents the presence of seagulls on site.

At our request, the borough accepted to try and postpone the clean-up until 7:00 a.m. the next morning. They will however need to evaluate the impacts of this experience.

In conclusion, the interventions of the **OMBUDSMAN DE MONTRÉAL** resulted in the application of many changes in the organization and unfolding of the activities related to these public events, so that the inconvenience felt by the neighbouring residents were greatly reduced.

## 7. THE RIGHT TO PAY CASH

A citizen who leases a parking space on a lot managed by Société en commandite Stationnement de Montréal (SCSM), requested the intervention of the **OMBUDSMAN DE MONTRÉAL** because a new compulsory payment policy adopted by SCSM made it impossible for him to pay his monthly rent in cash. Until then, this citizen had always paid for his parking with cash, at the SCSM's office service counter.

It is important to note that SCSM falls within the **OMBUDSMAN DE MONTRÉAL**'s jurisdiction.

During the initial discussion, the SCSM explained that the reasons why they were no longer accepting cash payments was to facilitate the computerized process of payments.

SCSM was not in fact facing any exceptional circumstance that could justify the derogation of the principle generally applied that the debtor can be freed of its obligation by paying in cash.

The **OMBUDSMAN DE MONTRÉAL** deemed relevant to verify the legality of this new rule and, following her research, she concluded that this new policy infringed the provisions of the *Civil Code of Québec* and of the *Currency Act*.

# Files handled by the OMBUDSMAN DE MONTRÉAL in 2005

The OMBUDSMAN DE MONTRÉAL therefore issued a RECOMMENDATION so that SCSM authorizes the lessees of its parking spaces to pay their monthly fees, in cash, at its customer service counter or at any other reasonable place it could determine, the whole, without prejudice to the right of the lessee to use any other method of payment accepted by SCSM.

We have received confirmation from SCSM that our RECOMMENDATION was accepted.

## 8. CONDITIONS FOR CONSULTING PUBLIC DOCUMENTS

A citizen addressed herself to the OMBUDSMAN DE MONTRÉAL requesting that her borough improve the conditions for consulting public documents that she has the right to consult, according to access laws.

The citizen was complaining about the fact that when she showed up at the borough's office, to consult many documents requested, a chair was offered, without a table, which made the consultation of these documents extremely difficult.

She asked that the meeting room, generally used for meetings between citizens and borough representatives, be made available for her, so she could quietly read the requested documents.

The borough representatives were denying this request because:

- They have only one meeting room available for meetings
- The borough cannot allow a citizen to privately consult original municipal documents, without supervision. Therefore, to ensure such supervision in that room, the borough would need to appoint an employee, resulting in either an unreasonable salary expense, or a delay in the execution of that employee's regular work.

We must emphasize that in the situation from which this request originated, the amount of documents was such that the borough could reasonably foresee that the consultation would take many hours, even days.

The OMBUDSMAN DE MONTRÉAL deemed that the reasons given by the borough to refuse the consultation of documents in the meeting room reserved to citizens were reasonable.

In spite of this conclusion, the OMBUDSMAN DE MONTRÉAL still issued notice that the physical arrangement offered to citizens for consultation of public documents, in this borough, was inadequate.

The OMBUDSMAN DE MONTRÉAL emphasized that **the conditions for consulting public documents, by people having the right to access them, must favour and facilitate** this consultation. Indeed, it is a well recognized rule that the agency which is bound to give access to its documents, must provide, in so far as possible, an adequate physical arrangement.

In the present case, the available space at the reception desk was extremely limited. The OMBUDSMAN DE MONTRÉAL therefore RECOMMENDED that:

- when the consultation of municipal documents has a good chance of being long, the borough must take the necessary measures to provide the citizens exercising their right to consult original municipal documents, a more adequate consultation environment, containing at least a chair and a consultation table
- The borough could allow the consultation of documents in a place other than city hall, where the consultation conditions would be favourable, where at least a chair and table would be available for the citizen, and where supervision by the borough would be possible, without having to assign an employee for this sole purpose
- This other place should be easily accessible and on the borough's territory, except if the citizen agrees to a place outside of this territory
- When the quantity of documents to consult justifies it, the borough may divide the documents in lots of a reasonable size and offer to spread the access over many days, according to a reasonable schedule, during usual business hours.

The borough confirmed that they accepted this RECOMMENDATION. Moreover, it also indicated that over the course of the year 2006, a rearrangement of the office will be made, to install a table and chair, in order to facilitate the consultation of reasonably sized documents, on the spot.

# Files handled by the OMBUDSMAN DE MONTRÉAL in 2005

## MENTIONS OF EXCEPTIONAL COLLABORATION

Whenever the OMBUDSMAN DE MONTRÉAL looks into a situation which was the object of a citizen's complaint, city representatives usually collaborate well to facilitate the inquiry and, if need be, help find an appropriate solution.

Some of the directors or division chiefs we are dealing with do stand out as exceptionally dedicated to doing everything in their power to provide the best service or solution possible, for the benefit of citizens. Without their help, in many particularly complex or difficult cases, we would not have been able to reach as good results as we did.

More particularly, we should mention:

- The directeur de l'Office municipal d'habitation de Montréal
- The directeur de la Direction des immeubles—Services administratifs
- The chef de Division du transport et de l'entreposage as well as the whole team administrating the Fourrière municipale de Montréal
- In the arrondissement Le Plateau Mont-Royal: the directrice d'arrondissement, the directeur des Travaux publics and the chef de Division de la Voirie
- In the arrondissement Ahuntsic—Cartierville: the directeur d'arrondissement, the directeur des Travaux publics and the inspecteur en horticulture
- In the arrondissement de Verdun: the directeur d'arrondissement, as well as the directeur and the team responsible for the aménagement urbain service aux entreprises.
- In the arrondissement Saint-Laurent, the new directeur d'arrondissement.

We thank them for their exemplary collaboration and for all their efforts in finding solutions to sometimes extremely difficult problems.

# Conclusion

The year 2005 turned out to be a very positive year for the **OMBUDSMAN DE MONTRÉAL** team.

The significant increase in the number of citizens requesting her help (twice the number of 2004 and 5 times the number of 2003) clearly shows that the exceptional last resort recourse offered by the **OMBUDSMAN DE MONTRÉAL** is not only better known but also very much appreciated by citizens.

Notwithstanding the increased complexity of some of the cases investigated, our team has produced great results and has always acted in a timely fashion. As a matter of fact, 80% of citizens who addressed a problem to the **OMBUDSMAN DE MONTRÉAL** received a final response within a period not exceeding one (1) month.

Our interventions resulted in the modernization and upgrade of many internal practices and procedures, which lead to a better service for citizens of Montréal.

We also contributed largely to the better understanding, by citizens, of the reality of administrating a large city such as Montréal.

In 2006, the **OMBUDSMAN DE MONTRÉAL** team shall pursue its work, with the same dedication and determination, so as to contribute even more to *Building bridges* between the citizens and their municipal administration as well as between citizens themselves.

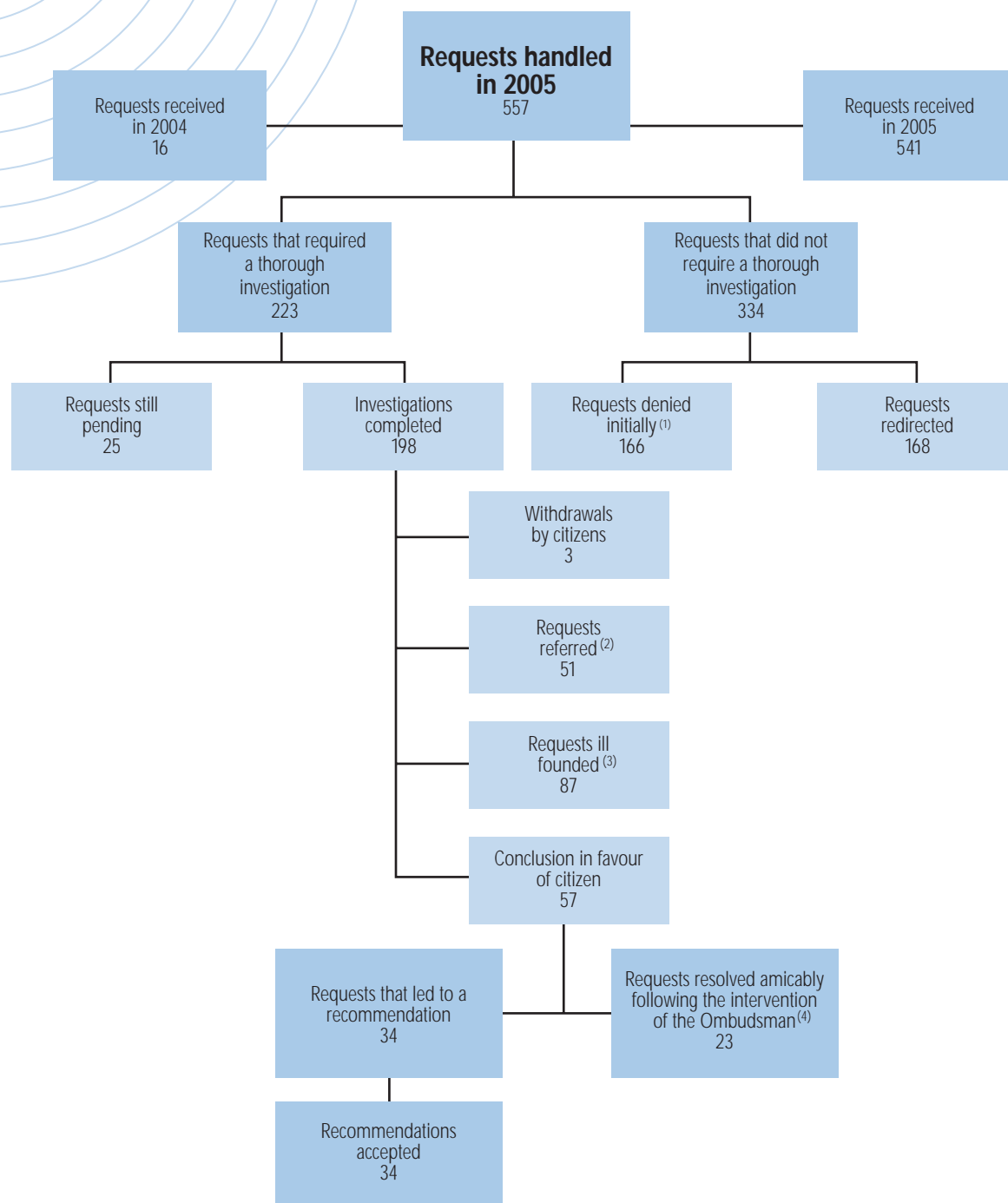






Statistics—Files investigated

**Table 1**  
**Requests handled in 2005**



(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 return the citizen back to the directors concerned, given their willingness to resolve the matter.  
 (3) These are requests for which, following an investigation, the OdM decided to terminate his 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 director of the borough or service concerned voluntarily settled the issue, to the citizen's advantage.

Table 2  
Subject of requests received

Subject	Number of requests		
	2003	2004	2005
Access to information	0	0	7
Acquired rights	0	0	3
Alleys	0	1	3
Animal	0	1	6
Application of by-laws	0	0	12
Aqueduct / Sewer	0	0	6
Communications	0	0	16
Conduct of an employee	6	10	52
Court decision	0	0	3
Decision of a Borough Council	0	0	8
Driveway entrance	0	1	1
Environment	0	0	3
Evaluation / Real estate tax	4	11	13
Exemption to by-law	1	n/a	n/a
Fence	0	0	1
Financial compensation	6	18	n/a <sup>(5)</sup>
Financial compensation (aqueduct / sewer)	0	0	5
Financial compensation (climate event)	0	0	1
Financial compensation (fall on sidewalk)	0	0	4
Financial compensation (municipal pound)	0	0	4
Financial compensation (municipal works)	0	0	2
Financial compensation (other)	0	0	19
Financial compensation (pothole)	0	0	2
Financial compensation (road incident)	0	0	5
Financial compensation (tree)	0	0	1
Fire / Public safety	0	0	4
Garbage / Recycling	0	5	5
Handicapped person	0	1	1
Human rights	0	1	5
Immigration	0	0	1
Labour relations <sup>(6)</sup>	5	6	13
Library (municipal)	0	0	1
Management of underground pipes	0	0	1
Miscellaneous	17	6	13
Montréal Charter of Rights and Responsibilities	0	0	1
Municipal court	17	15	39
Noise	0	9	16
Nuisance	0	0	1
Parking / SRRR / Vignettes	2	5	25

(5) In 2005, this heading was subdivided to illustrate the requests received more representatively.

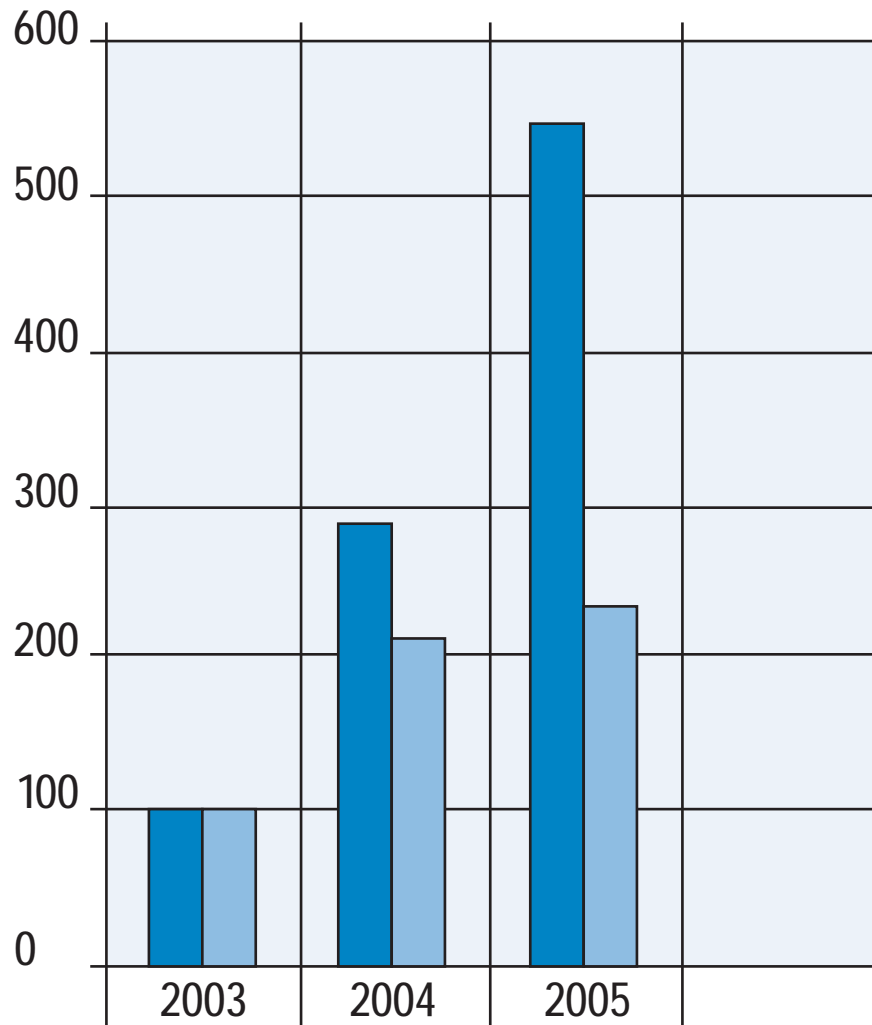
(6) In 2005, this heading includes the former category "Hiring" from 2004.

Table 2  
Subject of requests received

Subject	Number of request		
	2003	2004	2005
Parks and Green spaces	0	0	4
Permit	0	9	30
Pound (other)	0	1	1
Pound (storage of furniture) <sup>(7)</sup>	35	55	43
Provincial organizations	0	0	12
Public health	2	2	12
Public markets	0	1	0
Road signs	1	n/a	n/a
Road works / Public works	2	6	20
Security	2	n/a	n/a
Snow removal	0	0	6
Social housing / HLM / Housing subsidies	0	9	16
Sports and leisure	0	10	5
Subsidy other than housing	3	9	11
Tax (except real estate)	0	0	10
Taxi	0	0	1
Tenant / landlord relations	0	0	15
Tenders	0	1	1
Traffic	0	4	5
Transportation	0	0	6
Tree	0	8	15
Violation of law	0	0	4
Volunteers	0	0	1
Zoning / Urban planning / Exemption	2	6	20
<b>TOTAL</b>	<b>105</b>	<b>211</b>	<b>541</b>

(7) This subject of request in previous reports, was under the heading "Caution".

Table 3  
Evolution of requests from 2003 to 2005



■ Requests	105	290	541	
■ Requests that were subjected to a thorough investigation	105	211	223	

**Table 4**  
**Number of requests falling under the Borough's jurisdiction**

Borough	Number		
	2003	2004	2005
Ahuntsic–Cartierville	1	8	17
Anjou	2	1	2
Beaconsfield–Baie-D'Urfé	0	2	0
Côte-des-Neiges–Notre-Dame-de-Grâce	4	3	17
Côte-Saint-Luc–Hampstead–Montréal-Ouest	1	2	6
Dollard-Des Ormeaux–Roxboro	0	0	1
Dorval–L'Île-Dorval	0	1	0
Kirkland	0	0	0
L'Île-Bizard–Sainte-Geneviève–Sainte-Anne-de-Bellevue	1	1	2
Lachine	0	2	11
LaSalle	1	3	5
Le Plateau Mont-Royal	1	10	21
Le Sud-Ouest	1	4	15
Mercier–Hochelaga-Maisonneuve	3	14	16
Montréal-Nord	0	12	5
Mont-Royal	0	1	1
Outremont	1	4	9
Pierrefonds–Senneville	0	2	5
Pointe-Claire	0	0	1
Rivière-des-Prairies–Pointe-aux-Trembles–Montréal-Est	0	3	14
Rosemont–La Petite-Patrie	1	3	14
Saint-Laurent	0	0	7
Saint-Léonard	0	0	1
Verdun	1	4	10
Ville-Marie	3	7	20
Villeray–Saint-Michel–Parc-Extension	1	1	8
Westmount	3	2	3
<b>TOTAL</b>	<b>25</b>	<b>80</b>	<b>211</b>

Table 5  
Requests falling under the Borough's jurisdiction—By subject

Borough	Subject	Number (2005)	%	
Ahuntsic–Cartierville	Aqueduct / Sewer	2	11.76	
	Conduct of an employee	1	5.88	
	Decision of a Borough Council	2	11.76	
	Noise	1	5.88	
	Permit	5	29.43	
	Road works / Public works	1	5.88	
	Sports and leisure	1	5.88	
	Tree	3	17.65	
	Zoning / Urban planning / Exemption	1	5.88	
	<b>Total</b>	<b>17</b>	<b>100 %</b>	
	Anjou	Traffic	1	50.00
Zoning / Urban planning / Exemption		1	50.00	
<b>Total</b>		<b>2</b>	<b>100 %</b>	
Côte-des-Neiges–Notre-Dame-de-Grâce	Acquired rights	1	5.88	
	Conduct of an employee	2	11.77	
	Environment	2	11.77	
	Fire / Public safety	1	5.88	
	Garbage / Recycling	1	5.88	
	Noise	1	5.88	
	Permit	1	5.88	
	Public health	3	17.65	
	Road works / Public works	1	5.88	
	Snow removal	2	11.77	
	Sports and leisure	1	5.88	
	Tree	1	5.88	
	<b>Total</b>	<b>17</b>	<b>100 %</b>	
	Côte-Saint-Luc–Hampstead–Montréal-Ouest	Animal	1	16.67
		Application of by-laws	1	16.67
Human rights		1	16.67	
Permit		1	16.67	
Financial compensation (other)		1	16.67	
Snow removal		1	16.67	
<b>Total</b>		<b>6</b>	<b>100 %</b>	
Dollard-Des Ormeaux–Roxboro	Decision of a Borough Council	1	100.00	
	<b>Total</b>	<b>1</b>	<b>100 %</b>	

Table 5  
Requests falling under the Borough's jurisdiction—By subject

Borough	Subject	Number (2005)	%
L'Île-Bizard—Sainte-Geneviève— Sainte-Anne-de-Bellevue	Communications	1	50.00
	Garbage / Recycling	1	50.00
	<b>Total</b>	<b>2</b>	<b>100 %</b>
Lachine	Access to information	1	9.09
	Animal	1	9.09
	Application of by-laws	1	9.09
	Conduct of an employee	2	18.18
	Noise	2	18.18
	Traffic	2	18.18
	Snow removal	1	9.09
	Road works / Public works	1	9.09
	<b>Total</b>	<b>11</b>	<b>100 %</b>
	LaSalle	Application of by-laws	1
Conduct of an employee		1	20.00
Parking / SRRR / Vignettes		1	20.00
Permit		1	20.00
Zoning / Urban planning / Exemption		1	20.00
<b>Total</b>		<b>5</b>	<b>100 %</b>
Le Plateau Mont-Royal	Alleys	1	4.76
	Conduct of an employee	3	14.29
	Montréal Charter of Rights and Responsibilities	1	4.76
	Noise	3	14.29
	Parking / SRRR / Vignettes	1	4.76
	Permit	4	19.05
	Public health	1	4.76
	Road works / Public works	2	9.55
	Snow removal	1	4.76
	Tree	1	4.76
	Zoning / Urban planning / Exemption	3	14.29
	<b>Total</b>	<b>21</b>	<b>100 %</b>



Table 5  
Requests falling under the Borough's jurisdiction—By subject

Borough	Subject	Number (2005)	%
Le Sud-Ouest	Animal	1	6.66
	Application of by-laws	1	6.66
	Conduct of an employee	1	6.66
	Library (municipal)	1	6.66
	Parking / SRRR / Vignettes	1	6.66
	Parks and Green spaces	3	20.00
	Permit	2	13.38
	Road works / Public works	1	6.66
	Tree	1	6.66
	Zoning / Urban planning / Exemption	3	20.00
	<b>Total</b>	<b>15</b>	<b>100 %</b>
	Mercier–Hochelaga-Maisonneuve	Acquired rights	1
Application of by-laws		1	6.25
Aqueduct / Sewer		1	6.25
Communications		1	6.25
Conduct of an employee		4	25.00
Driveway entrance		1	6.25
Fence		1	6.25
Noise		1	6.25
Parking / SRRR / Vignettes		1	6.25
Road works / Public works		2	12.50
Tree		1	6.25
Zoning / Urban planning / Exemption		1	6.25
<b>Total</b>		<b>16</b>	<b>100 %</b>
Montréal-Nord		Aqueduct / Sewer	1
	Permit	1	20.00
	Public health	1	20.00
	Road works / Public works	1	20.00
	Tree	1	20.00
	<b>Total</b>	<b>5</b>	<b>100 %</b>
Mont-Royal	Garbage / Recycling	1	100.00
	<b>Total</b>	<b>1</b>	<b>100 %</b>

Table 5  
Requests falling under the Borough's jurisdiction—By subject

Borough	Subject	Number (2005)	%
Outremont	Application of by-laws	1	11.11
	Conduct of an employee	1	11.11
	Decision of a Borough Council	1	11.11
	Fire / Public safety	2	22.22
	Human rights	1	11.11
	Parking / SRRR / Vignettes	2	22.22
	Noise	1	11.11
	<b>Total</b>	<b>9</b>	<b>100 %</b>
Pierrefonds–Senneville	Application of by-laws	1	20.00
	Aqueduct / Sewer	1	20.00
	Road works / Public works	1	20.00
	Zoning / Urban planning / Exemption	2	40.00
	<b>Total</b>	<b>5</b>	<b>100 %</b>
Pointe-Claire	Parks and Green spaces	1	100.00
	<b>Total</b>	<b>1</b>	<b>100 %</b>
Rivière-des-Prairies–Pointe-aux-Trembles– Montréal-Est	Alleys	2	14.29
	Animal	1	7.14
	Application of by-laws	1	7.14
	Permit	1	7.14
	Public health	1	7.14
	Road works / Public works	4	28.57
	Snow removal	1	7.14
	Tree	3	21.44
	<b>Total</b>	<b>14</b>	<b>100 %</b>
	Rosemont–La Petite-Patrie	Acquired rights	1
Application of by-laws		1	7.14
Aqueduct / Sewer		1	7.14
Conduct of an employee		1	7.14
Decision of a Borough Council		1	7.14
Noise		1	7.14
Parking / SRRR / Vignettes		2	14.29
Permit		1	7.14
Road works / Public works		2	14.29
Zoning / Urban planning / Exemption		3	21.44
<b>Total</b>		<b>14</b>	<b>100 %</b>

Table 5  
Requests falling under the Borough's jurisdiction—By subject

Borough	Subject	Number (2005)	%
Saint-Laurent	Decision of a Borough Council	1	14.29
	Noise	1	14.29
	Parking / SRRR / Vignettes	1	14.29
	Public health	1	14.29
	Road works / Public works	1	14.29
	Tree	1	14.29
	Zoning / Urban planning / Exemption	1	14.29
	<b>Total</b>	<b>7</b>	<b>100 %</b>
Saint-Léonard	Parking / SRRR / Vignettes	1	100.00
	<b>Total</b>	<b>1</b>	<b>100 %</b>
Verdun	Application of by-laws	2	20.00
	Decision of a Borough Council	1	10.00
	Noise	1	10.00
	Permit	2	20.00
	Public health	1	10.00
	Road works / Public works	1	10.00
	Zoning / Urban planning / Exemption	2	20.00
	<b>Total</b>	<b>10</b>	<b>100%</b>
Ville-Marie	Animal	1	5.00
	Conduct of an employee	3	15.00
	Decision of a Borough Council	1	5.00
	Garbage / Recycling	1	5.00
	Noise	1	5.00
	Permit	7	35.00
	Road works / Public works	2	10.00
	Traffic	1	5.00
	Tree	2	10.00
	Zoning / Urban planning / Exemption	1	5.00
	<b>Total</b>	<b>20</b>	<b>100%</b>
	Villeray–Saint-Michel–Parc-Extension	Conduct of an employee	2
Garbage / Recycling		1	12.50
Noise		2	25.00
Permit		1	12.50
Tree		1	12.50
Zoning / Urban planning / Exemption		1	12.50
<b>Total</b>		<b>8</b>	<b>100%</b>
Westmount	Application of by-laws	1	33.33
	Nuisance	1	33.33
	Permit	1	33.33
	<b>Total</b>	<b>3</b>	<b>100%</b>

**Table 6**  
**Number of requests falling under the jurisdiction of central departments**

Department	Number		
	2003	2004	2005
<b>Affaires corporatives</b>			
• Direction des affaires pénales et criminelles	20 <sup>(8)</sup>	16	48
• Direction du contentieux	0 <sup>(9)</sup>	17	38
• Direction du greffe	1	0	1
<b>Direction générale</b>			
• Direction des communications et des relations avec les citoyens	0	0	11
<b>Finances</b>			
• Direction des revenus et de la planification fiscale	3	9	25
<b>Développement culturel, qualité du milieu de vie et diversité ethnoculturelle</b>			
• Direction du développement culturel et des bibliothèques	2	0	1
• Direction des sports, loisirs, parcs et espaces verts	0	0	3
<b>Capital humain</b>			
• All department included	4	6	12
<b>Services administratifs</b>			
• Direction de l'approvisionnement	35	56	44
• Direction des immeubles	0	1	1
<b>Mise en valeur du territoire et du patrimoine</b>			
• Direction du développement du territoire, du patrimoine et de l'habitation	3	8	0
• Direction de projets	0	0	11
<b>Infrastructures, transport et environnement</b>			
• Direction de l'administration et du soutien technique	5	1	16
• Direction de l'environnement	0	0	2
• Direction du transport	0	0	1
<b>Police</b>			
• Direction des communications d'urgence et du Bureau de taxi et du remorquage	0	1	3
• Direction du service de police	2	0	13
<b>Sécurité incendie de Montréal</b>			
• All department included	1	0	1
<b>TOTAL</b>	<b>77</b>	<b>118</b>	<b>231</b>

(8) In 2003, the Direction des affaires pénales et criminelles was grouped with Civil complaints under the heading Direction des affaires juridiques.

(9) Idem (8).

**Table 7**  
**Requests falling under central departments' jurisdiction**  
**By subject**

Department	Subject	Nombre (2005)	%
<b>Affaires corporatives</b>			
• Direction des affaires pénales et criminelles	Access to information	3	3.45
	Conduct of an employee	2	2.30
	Court decision	3	3.45
	Municipal court	39	44.80
	Violation of law	1	1.15
• Direction du contentieux	Conduct of an employee	2	2.30
	Financial compensation (tree)	1	1.15
	Financial compensation (other)	12	13.80
	Financial compensation (aqueduct / sewer)	5	5.75
	Financial compensation (fall on sidewalk)	4	4.60
	Financial compensation (climate event)	1	1.15
	Financial compensation (municipal pound)	4	4.60
	Financial compensation (road incident)	5	5.75
	Financial compensation (pothole)	2	2.30
	Financial compensation (municipal works)	2	2.30
• Direction du greffe	Tenders	1	1.15
	<b>Total</b>	<b>87</b>	<b>100 %</b>
<b>Direction générale</b>			
• Direction des communications et des relations avec les citoyens	Communications	11	100.00
	<b>Total</b>	<b>11</b>	<b>100 %</b>
<b>Finances</b>			
• Direction des revenus et de la planification fiscale	Communications	1	4.00
	Conduct of an employee	2	8.00
	Evaluation / Real estate tax	13	52.00
	Tax (except real estate)	9	36.00
	<b>Total</b>	<b>25</b>	<b>100 %</b>
<b>Développement culturel, qualité du milieu de vie et diversité ethnoculturelle</b>			
• Direction du développement culturel et des bibliothèques	Subsidy other than housing	1	25.00
• Direction des sports, loisirs, parcs et espaces verts	Sports and leisure	3	75.00
	<b>Total</b>	<b>4</b>	<b>100 %</b>
<b>Capital humain</b>			
• All department included	Labour relations	12	100.00
	<b>Total</b>	<b>12</b>	<b>100 %</b>
<b>Services administratifs</b>			
• Direction de l'approvisionnement	Pound (other)	1	2.22
	Pound (storage of furniture)	43	95.56
• Direction des immeubles	Miscellaneous	1	2.22
	<b>Total</b>	<b>45</b>	<b>100 %</b>

Table 7  
**Requests falling under central departments' jurisdiction**  
**By subject**

Department	Subject	Nombre (2005)	%
<b>Mise en valeur du territoire et du patrimoine</b>			
• Direction de projets	Conduct of an employee	1	9.10
	Subsidy other than housing	10	90.90
	<b>Total</b>	<b>11</b>	<b>100 %</b>
<b>Infrastructures, transport et environnement</b>			
• Direction de l'administration et du soutien technique	Conduct of an employee	2	10.53
	Parking / SRRR / Vignettes	14	73.69
• Direction de l'environnement	Environment	1	5.26
	Public health	1	5.26
• Direction du transport	Traffic	1	5.26
	<b>Total</b>	<b>19</b>	<b>100 %</b>
<b>Police</b>			
• Direction des communications d'urgence et du Bureau de taxi et du remorquage	Permit	2	12,50
	Taxi	1	6,25
• Direction du service de police	Access to information	2	12.50
	Conduct of an employee	10	62.50
	Violation of law	1	6,25
	<b>Total</b>	<b>16</b>	<b>100 %</b>
<b>Sécurité incendie de Montréal</b>			
• All department included	Fire / Public safety	1	100.00
	<b>Total</b>	<b>1</b>	<b>100 %</b>

**Table 8**  
**Number of requests concerning paramunicipal agencies,  
 City-controlled corporations or other organizations or corporations**

Corporation or organization	Number		
	2003	2004	2005
Commission des services électriques de Montréal	0	0	1
Corporation Anjou 80	0	0	1
Corporation de gestion des marchés publics	0	1	0
Corporation des habitations Jeanne-Mance	0	1	1
Office municipal d'habitation de Montréal	3	9	16
Société d'habitation et de développement de Montréal	0	1	2
Société de transport de Montréal (STM)	0	1	12
Société en commandite Stationnement de Montréal	0	0	1
Paramunicipal agencies with links to the City	0	0	2
Paramunicipal agencies with no links to the City	0	2	63
<b>TOTAL</b>	<b>3</b>	<b>15</b>	<b>99</b>

Table 9  
**Requests concerning paramunicipal agencies, City-controlled corporations or other organizations or corporations—By subject**

Corporation or organization	Subject	Number (2005)	%
Commission des services électriques de Montréal	Management of underground pipes	1	100.00
	<b>Total</b>	<b>1</b>	<b>100 %</b>
Corporation Anjou 80	Social housing / HLM / Housing subsidies	1	100.00
	<b>Total</b>	<b>1</b>	<b>100 %</b>
Corporation des habitations Jeanne-Mance	Conduct of an employee	1	100.00
	<b>Total</b>	<b>1</b>	<b>100 %</b>
Office municipal d'habitation de Montréal	Public health	3	18.75
	Social housing / HLM / Housing subsidies	13	81.25
	<b>Total</b>	<b>16</b>	<b>100 %</b>
Société d'habitation et de développement de Montréal	Social housing / HLM / Housing subsidies	2	100.00
	<b>Total</b>	<b>2</b>	<b>100 %</b>
Société de transport de Montréal	Animal	1	8.33
	Conduct of an employee	3	25.00
	Miscellaneous	2	16.67
	Transportation	6	50.00
	<b>Total</b>	<b>12</b>	<b>100 %</b>
Société en commandite Stationnement de Montréal	Parking / SRRR / Vignettes	1	100.00
	<b>Total</b>	<b>1</b>	<b>100 %</b>
Paramunicipal agencies with no links to the City	Human rights	1	50.00
	Volunteer	1	50.00
	<b>Total</b>	<b>2</b>	<b>100 %</b>
Paramunicipal agencies with no links to the City	Access to information	1	1.72
	Communications	2	3.46
	Conduct of an employee	8	12.07
	Financial compensation (other)	6	10.34
	Handicapped person	1	1.72
	Human rights	2	3.46
	Immigration	1	1.72
	Labour relations	1	1.72
	Miscellaneous	10	10.34
	Noise	1	1.72
	Provincial organizations	12	20.69
	Tax (except real estate)	1	1.72
	Tenant / landlord relations	15	25.86
	Violation of law	2	3.46
	<b>Total</b>	<b>63</b>	<b>100 %</b>



Table 10  
**Final settlement or final response period**

Duration	1 to 2 working days	5 working days	10 working days	1 month	2 month	3 month	4 month	5 month	Files still pending	TOTAL
2003	19	3	9	26	23	14	14	9	0	<b>117</b>
2004	90	18	17	38	47	23	8	21	1	<b>275</b>
2005	360	36	26	40	29	13	5	8	24	<b>541</b>

N.B. The 24 files still pending as of December 31, 2005 include requests that were submitted at year-end.

Table 11  
Submission of requests (Mode)

Mode	Number in 2004	%	Number in 2005	%
Email - Internet	31	11.27	73	13.49
Fax	59	21.45	36	6.65
In person	35	12.73	61	11.28
Mail	73	26.55	88	16.27
Telephone	77	28.00	283	52.31
<b>TOTAL</b>	<b>275</b>	<b>100 %</b>	<b>541</b>	<b>100 %</b>





275, rue Notre-Dame Est, bureau R-100  
Montréal (Québec) H2Y 1C6

Telephone : 514 872-8999

Fax: 514 872-2379

[ombudsman@ville.montreal.qc.ca](mailto:ombudsman@ville.montreal.qc.ca)  
[ville.montreal.qc.ca/ombudsman](http://ville.montreal.qc.ca/ombudsman)