



Building Bridges

2006 Annual Report

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May 1, 2007

Mr. Marcel Parent
Président du Conseil de Ville de Montréal
275, rue Notre-Dame Est
Bureau R-134
Montréal (Québec) H2Y 1C6

RE: Annual Report of the OMBUDSMAN DE MONTRÉAL for 2006

Mr. President:

It gives me great pleasure to present to the Conseil de Ville de Montréal this fourth Annual Report of the **OMBUDSMAN DE MONTRÉAL** which details our team's main activities, with the theme of "*Building Bridges*".

The notoriety already acquired by our office, after only four years of existence, is remarkable. During the year 2006, over 1350 persons have requested our assistance and our team has conducted approximately 250 formal investigations.

The year 2006 was also marked by the new *Montréal Charter of Rights and Responsibilities* which entered into force on January 1, 2006. The **OMBUDSMAN DE MONTRÉAL** is, in some ways, its "guardian".

You will find, in the present document, various information on the cases we have handled and on the interventions we have made, in 2006, including a chapter dedicated exclusively to our activities in regards to the new *Montréal Charter of Rights and Responsibilities*.

I remain at the disposal of the Conseil de ville to answer any question or to provide any additional information it could deem relevant.

My team and I are already well underway for the year 2007, under the theme: "Promoting respect; Ensuring equity".

Respectfully yours,

Johanne Savard, ombudsman

TABLE OF CONTENTS

I	PRESENTATION OF THE OMBUDSMAN DE MONTRÉAL	7
II	GENERAL INFORMATION	
	A. THE OMBUDSMAN DE MONTRÉAL IN A NUTSHELL	
	• Creation of the position	8
	• Mandate	8
	• Our Mission	9
	• Our Vision	9
	• Our Values	9
	• Our Characteristics	9
	• Apolitical independent position	9
	• Logo	10
	• Structure and organization	10
	• Accessibility	10
	B. THE OMBUDSMAN DE MONTRÉAL, AN ACCESSIBLE AND EFFICIENT SERVICE	
	• Swift service	10
	• Confidentiality	10
	• Helping as much as possible	11
	• Bilingual service	11
	• Code of Ethics	11
	• Request forms	11
III	OUR 2006 ACTIVITIES AND ACHIEVEMENTS	
	A. ACHIEVEMENTS	
	• Public Assembly and Press Conference	12
	• Increased protections for the Ombudsman and her team	12
	• New Poster, New Pamphlet and New Bookmark	12
	• Multilingual information	12
	• Simplified Language and Alternative Spelling	13
	• Improving access for people with visual limitations	13
	• Promoting our service	13
	• Promotional Videos	13
	• “Salon Visez Droit”	13
	• Collaboration with Éducaloi	13
	• Promoting ombudsmanship to students	14
	• Media coverage	14
	• Special collaboration with the City of Toronto	14
	• International interest into our office	14
	• Conferences, Symposiums and Trainings	15
	• Reasonable accomodation: Special collaborations	15
	B. EXAMPLES OF REQUESTS HANDLED IN 2006	
	• Demolition of an abandoned house	15
	• Illegal encroachments in a municipal alley – Phase II	16
	• Insanitary house: the citizen cannot return to his home	16
	• Property assessment – Respect of a previous agreement	16
	• Subsidy promised – Subsidy granted	17
	• Update of the Policy for restriction of access to information contained in the court’s computerized registers in criminal matters	17
	• Major constructions – Quality of life of nearby residents	17
	• Noise and vibrations – Pavement and Parking prohibitions	18
	• Construction site – Limiting irritants	19
	• Access to information contained in a penal file awaiting trial – Euthanasia of a dog	19
	C. FOLLOW-UPS ON PREVIOUS CASES	
	• Cour municipale de Montréal’s docket – Protecting persons acquitted or otherwise discharged	19
	• Office municipal d’habitation de Montréal (OMHM)	20
	• Handling of excessive noise complaints	20
	D. MENTIONS FOR EXCEPTIONAL COLLABORATION	20

E. STATISTIC TABLES 2006

• Table 1	Requests handled in 2006	24
• Table 2	Subject of requests received.....	25
• Table 3	Evolution of requests from 2003 to 2006.....	27
• Table 4	Number of requests falling under borough's jurisdiction.....	28
• Table 5	Requests falling under borough's jurisdiction – By subject.....	29
• Table 6	Number of requests falling under the jurisdiction of central departments	37
• Table 7	Requests falling under the jurisdiction of central departments	38
• Table 8	Number of requests concerning paramunicipal agencies, City-controlled corporations or other organizations or corporations.....	41
• Table 9	Requests concerning paramunicipal agencies, City-controlled corporations or other organizations or corporations – By subject.....	42
• Table 10	Requests concerning political entities.....	44
• Table 11	Subject of requests concerning political entities.....	45
• Table 12	Final settlement or final response period	46
• Table 13	Submission of requests.....	47
• Table 14	Demographic datas	48

IV THE OMBUDSMAN DE MONTRÉAL ACTION PLAN FOR 2007

A. STRUCTURE AND ORGANIZATION	50
B. CONTINUED TRAINING	50
C. WEB SITE	50
D. INFLUENCE OF THE OMBUDSMAN DE MONTRÉAL	51

V MONTRÉAL CHARTER OF RIGHTS AND RESPONSIBILITIES

A. REPORT OF OUR 2006 CHARTER ACTIVITIES

• Promoting the charter	54
• Promoting the charter within the boroughs	54
• Impact of the charter on the requests submitted to the OMBUDSMAN DE MONTRÉAL.....	55

B. EXAMPLES OF CHARTER FILES HANDLED IN 2006

• Parc Angrignon's forest	55
• Festiblues	56
• Reconciling protection of shorelines and Economic development	57
• Heavy trucks generating major vibrations	58
• Court fees added to fines: citizens better informed	58
• Investigation procedure at Cour municipale de Montréal.....	58
• First interim recommendation – Cutting down of trees	59
• Recycling in buildings of more than 8 dwellings	59
• Impact of a terrace with music on neighbouring residents.....	60

C. STATISTIC TABLES – CHARTER FILES

• Table 15	Requests falling under the Montréal Charter of Rights and Responsibilities.....	64
• Table 16	Entities concerned by requests falling under the Montréal Charter of Rights and Responsibilities	65
• Table 17	Final settlement or final response period	67

D. CHARTER RELATED ACTION PLAN FOR 2007

68

E. CONCLUSION – CHARTER

68

VI GENERAL CONCLUSION

71

ADDENDUM

GLOSSARY TO BETTER UNDERSTAND SOME OF THE REQUESTS RECEIVED	73
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I 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 Université de Montréal, in 1979. She has been a member of the Québec Bar since 1980.

Ms. Savard also completed numerous courses in administration and management, more particularly at École nationale d'administration publique of Montréal.

She was head of the Labour group and a member of the Board of Directors of a law firm. Ms. Savard was also a member of the Board of Directors and of the Executive Committee of *Lex Mundi*, the world's largest international association of independent law firms. She was the chairperson of the *Women and the Law Committee of Lex Mundi* and, as such, she organized and gave various conferences.

In 2003, Ms. Savard left private practice and became the first ombudsman of Ville de Montréal. She has since offered to the citizens of Montréal a last resort service, exceptional and free, which allows them to obtain 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 advisor in all areas related to employment law and labour relations and, more particularly, human rights and charters.

She possesses solid experience in alternative dispute settlement procedures through negotiation, mediation or arbitration. Her clients regularly consulted her to define a strategic approach in difficult or delicate situations, with an eye for preventing conflicts or finding a practical and efficient resolution to conflicts.

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 Centre de la petite enfance Papillon, which integrates both handicapped and non-handicapped children.

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

She is a member of the Board of Directors of the Rotary Club of Old Montréal since 1999 and was its president in 2005-2006.

Ms. Savard is a two-time recipient of the "Rotarian of the Year" trophy, in 2002 and 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 recently became a member of the Conseil des gouverneurs of Resto Plateau.

II GENERAL INFORMATION



A. THE OMBUDSMAN DE MONTRÉAL IN A NUTSHELL

Creation of the position

Following a request from the civil society, during the 2002 Sommet de Montréal, the Conseil de Ville created the position of **OMBUDSMAN DE MONTRÉAL**. At the time, there was no other equivalent position in any Canadian city.

Mandate

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 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 a representative of the City, a paramunicipal agency or a City-controlled corporation.

Until December 2005, the **OMBUDSMAN DE MONTRÉAL** mandate was regulated only by the provisions of the *By-law concerning the ombudsman* according to which the ombudsman cannot intervene if the citizen's dissatisfaction resulted from any decision, recommendation, act or omission whatsoever of elected representatives.

Since January 1, 2006, the **OMBUDSMAN DE MONTRÉAL** also became responsible for the treatment, as a last resort, of the requests based on the new *Montréal Charter of Rights and Responsibilities*. The **OMBUDSMAN DE MONTRÉAL** is, in a way, the "guardian" of this new charter.

The **OMBUDSMAN DE MONTRÉAL** has broad investigation powers and City representatives must cooperate with her and her team. Upon completion of an investigation, the ombudsman may recommend any measure she deems appro-

priate. If a favourable response is not obtained, following such recommendation, the ombudsman can request the support and intervention of the Comité exécutif, the Conseil de Ville or the relevant Conseil d'arrondissement.

The **OMBUDSMAN DE MONTRÉAL** only intervenes as a last resort. The citizens who request her intervention must first have exhausted the internal procedures available to try to resolve the problem at hand.

Citizens who enquire to the **OMBUDSMAN DE MONTRÉAL** are well listened to and know that all of their arguments will be seriously and impartially considered. The **OMBUDSMAN DE MONTRÉAL** team is empathic, open and often innovative. When it takes on a new file, it is exempt from any bias.

The **OMBUDSMAN DE MONTRÉAL** must take into account the relevant applicable legislation and internal procedures. She is not, however, bound by "past or customary practices" of the City. Her interventions often become a golden occasion to update or modernize certain practices or procedures which have been in effect, for many years.

Through her interventions and investigations, the **OMBUDSMAN DE MONTRÉAL** does not search for a guilty party. Rather, she concentrates on finding satisfactory and viable solutions, if a problem has been identified.

If, after serious analysis, the **OMBUDSMAN DE MONTRÉAL** team comes to the conclusion that the contested situation is fair and reasonable and does not justify her intervention, it always takes the time to explain the conclusions to the citizen, in order for him or her to fully understand why there were no grounds to intervene to modify the situation.

The preventive and positive effects of the **OMBUDSMAN DE MONTRÉAL** interventions are not negligible. The corrective measures enacted following her interventions often prevent other citizens from facing the same difficulty, in the future.

The **OMBUDSMAN DE MONTRÉAL** cannot, however, 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.

Our Mission

- To offer citizens a sympathetic ear and a new look at their case, without bias.
- To make City representatives 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 reasonable short-term, medium-term and long-term solutions.
- 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 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 seeking **just** and **equitable** solutions.

Our Characteristics

The **OMBUDSMAN DE MONTRÉAL** offers to citizens a **last resort recourse, easily accessible, free, fast** and **efficient**.

Apolitical independent position

As for any legislative ombudsman, the position of **OMBUDSMAN DE MONTRÉAL** is apolitical and completely 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 situation of conflict of interest. As a condition of employment, no employee of the **OMBUDSMAN DE MONTRÉAL** has connections with any of Montréal political parties.

The current **OMBUDSMAN DE MONTRÉAL**, Ms. Johanne Savard, was appointed unanimously by the Conseil de Ville, where sit City councilors from all of Montréal boroughs and all political allegiances.

The **OMBUDSMAN DE MONTRÉAL** enjoys a great deal of discretion with regard to internal organization of her office, in defining her procedures and the handling of her files. Neither the municipal administration nor the elected officials can intervene on this score. No one, other than the members of her team, has access to the **OMBUDSMAN DE MONTRÉAL** files and no representative or elected official can interfere in the elaboration of conclusions or recommendations she formulates.

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 Conseil de Ville a written report on the performance of her duties and her functions, over the preceding 12 months.

Logo

Since 2005, the OMBUDSMAN DE MONTRÉAL has a 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.

Structure and organization

In 2006, the OMBUDSMAN DE MONTRÉAL team was made of seven persons including the Ombudsman, the Deputy Ombudsman, a Senior Advisor and two Para-legal / Investigators.

This team was assisted by two secretaries.

Accessibility

The OMBUDSMAN DE MONTRÉAL office is located on the ground floor of Montréal's City Hall, a few steps away from a metro station. The City Hall is accessible to people with reduced mobility.

B. THE OMBUDSMAN DE MONTRÉAL, AN ACCESSIBLE AND EFFICIENT SERVICE

Swift service

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

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

In 2006, 90% of the people who enquired with the OMBUDSMAN DE MONTRÉAL received the final answer in their file, within a period of one month or less.

Moreover, more than 50% of cases which required a more formal investigation were completed within a period of two months or less.

Confidentiality

Confidentiality is essential in order for the people we talk to, in the course of our investigations, to feel comfortable to tell us everything they deem relevant, without hesitation. Furthermore, the confidentiality of our process is provided for in the *By-law concerning the ombudsman*.

The OMBUDSMAN DE MONTRÉAL has implemented different measures aiming at protecting such confidentiality, in the best possible way. All files are kept in locked filing cabinets, in an area off-limits to the public and visitors. The computerized file management system is reserved exclusively for the use of the OMBUDSMAN DE MONTRÉAL. Neither elected officials, nor employees or other representatives of Ville de Montréal have access to these files. The OMBUDSMAN DE MONTRÉAL team does not usually keep copies of documents consulted in the course of its investigations.

The person who submits a request must, nevertheless, understand that, in order to adequately handle a file, the OMBUDSMAN DE MONTRÉAL will have to discuss some relevant elements with the City representatives concerned by the contested decision. From the outset, the request form that citizens complete explains the extent and limits of our confidentiality obligation.

Moreover, in all instances in which she intervenes or investigates, the OMBUDSMAN DE MONTRÉAL must, in accordance with her constitutive by-law, inform the Director of the concerned

department or borough and offer her/him the opportunity to explain the decision. The Directeur général de Ville de Montréal must also be notified.

Following requests that were initiated by the **OMBUDSMAN DE MONTRÉAL**, a provincial law finally came into effect on December 14, 2006 modifying the *Cities and Towns Act* and confirming that information gathered by a municipal ombudsman is no longer subject to right of access legislation.

Helping as much as Possible

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

When citizens submit problems that fall outside the jurisdiction of the Ville de Montréal or that the **OMBUDSMAN DE MONTRÉAL** is not entitled to examine, her team still provides useful information and tries to redirect the said citizens towards other resources which may 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 concerned".*

Bilingual service

The **OMBUDSMAN DE MONTRÉAL** offers complete services in English and French. Her Web site, online since 2004, is also accessible in these two languages.

Code of Ethics

Since 2005, the **OMBUDSMAN DE MONTRÉAL** team subscribes to a Code of Ethics which is posted in its office and is available on its Web site.

*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 ¹.*

*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.*

¹ 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 SHE/HIS PERSONALLY SUBMITTED.

Request forms

Citizens have now access, on our Web site, to a Request Form that they can complete online. This new simplified procedure makes it easier for citizens to request the **OMBUDSMAN DE MONTRÉAL** intervention.

It is, nonetheless, still possible to submit a request by telephone, mail, e-mail, fax or directly at our office.

III OUR 2006 ACTIVITIES AND ACHIEVEMENTS

A. ACHIEVEMENTS

Public Assembly and Press Conference

On the day following the submission of her 2005 Annual Report to the Conseil de Ville, the **OMBUDSMAN DE MONTRÉAL** held a Press Conference and answered the numerous questions of journalists.

On May 18, 2006, Ms. Savard presented her report and exchanged with citizens during a Public Assembly organized by the Commission de la présidence du Conseil de Ville. The experience was a great success and deserves to be repeated.

Increased protections for the Ombudsman and her team

Within the few months following her appointment in 2003, Ms. Savard noted that protections generally granted to legislative ombudsmans and their staff were not conferred to the **OMBUDSMAN DE MONTRÉAL**.

Such protections are important to ensure the autonomy and independence of legislative ombudsmans and to protect the confidentiality of the information contained in their file. These protections notably include for the ombudsmans and their team:

- non-compellability before the courts (cannot be required to testify before the courts);
- protection against any order to produce documents obtained in the course of their interventions;
- exemption from the application of right of access legislation;
- protection against any injunction (to force the ombudsman to intervene in a file) or motion to quash (to annul any recommendation); and
- protection against any claim with regards to acts accomplished or omitted in good faith, in the performance of their duties.

Ms. Savard made the Directeur général of Ville de Montréal aware of the importance of such protections which, from a constitutional point of view, could only be granted by the Government of Québec: the City then initiated discussions in that regard with the Québec legislator.

As a result, the *Act to again amend various legislative provisions respecting municipal affairs* (L.Q. 2006, c.60), which came into force on December 14, 2006, modified *Cities and Towns Act* and the *Municipal Code of Québec* to this effect.

For the first time, the Government of Québec specifically recognizes the relevancy of municipal ombudsmans and imposes, to municipalities, who choose to create such a position, some general rules aiming to protect the autonomy and independence of the incumbent of such position and of her/his team. More specifically, the Government:

- imposes clear rules regarding the appointment and destitution modes;
- stipulates that persons associated to the municipal administration cannot fill such a position;
- confirms the ombudsman's right to obtain from any person, any and all information the ombudsman deems relevant;
- grants the other protections mentioned herein above.

It is worth mentioning the exceptional collaboration of Ville de Montréal and, especially, that of Mr. Robert Cassius de Linval, Directeur général of Affaires corporatives, and his team, so as to obtain the above mentioned protections.

New Poster, New Pamphlet and New Bookmark

The **OMBUDSMAN DE MONTRÉAL** had a new poster designed and its information pamphlet has also been modified, to make it simpler and easier to understand. New multilingual bookmarks on which our coordinates are also written in Braille, are now also available to citizens.

These promotional tools should be available at the service counters of all boroughs. Citizens may also get them in our office.

Multilingual information

In order for citizens of all origins to feel that we are available to help them, a short summary explaining the nature of the **OMBUDSMAN DE MONTRÉAL** mandate was added on the home page of our Web site, in English, in French and in the 14 most spoken languages, in Montréal.



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

However, if a person requesting the **OMBUDSMAN DE MONTRÉAL** intervention does not speak English or French, she/he remains responsible for designating a person who can speak either one to act on her/his behalf, for the treatment of her/his file.

Simplified Language and Alternative Spelling

Since 2006, the **OMBUDSMAN DE MONTRÉAL** Web site is also available via the "Accès simple" icon of the Ville de Montréal Web site, in "Simplified Language" and "Alternative Spelling".

These texts were drafted under the supervision of specialists from Université de Montréal for people suffering from intellectual limitations. We explain, therein, the role and mandate of the **OMBUDSMAN DE MONTRÉAL** in a more simple way.

In "Simplified Language", we briefly explain the nature of the services we can offer. This simplified information is also useful for people with a limited understanding of the French language.

As for the "Alternative Spelling", it is a phonic language which is taught in some specialized schools to people who are not or are unlikely to ever be able to learn the traditional written French.

Improving access for people with visual limitations

With the support of Direction des communications et des relations avec les citoyens – Section Internet, our Web site was modified to make it more accessible to people with visual limitations.

All of our texts are now written in VERDANA font, easier to read, and sonorous information was also integrated so that people with reduced vision can search more easily on our Web site.

We have also added our coordinates in Braille on our business cards as well as our bookmarks.

Promoting our service

As well as pursuing the usual steps to make the services known by municipal directors and other representatives as well as elected officials, the **OMBUDSMAN DE MONTRÉAL** pursued her efforts so that more and more citizens are aware of the exceptional services that her team can offer them and take advantage of this last resort service which is free.

- **Promotional Videos**

The **OMBUDSMAN DE MONTRÉAL** is often solicited to make presentations on her role and mandate. She attempts to answer positively to a maximum of these requests but, sometimes, it is impossible.

That is why, in 2006, we have realized two promotional videos that can be lent to organizations or to schools who request them. The **OMBUDSMAN DE MONTRÉAL** explains, therein, the nature of her mandate and the interventions that she can make. These videos are available in English and French on our Web site.

- **"Salon Visez Droit"**

The **OMBUDSMAN DE MONTRÉAL** team has, for the first time in 2006, held a kiosk at "Salon Visez Droit", a yearly event organized by the Bar of Montréal to inform citizens on their legal rights and recourses.

The experience was a tremendous success. Our kiosk raised a lot of interest. Hundreds of people came to meet with us and we had the opportunity to explain to many our role and our values; we also showed, for the first time, our new promotional / informational videos which the public greatly appreciated. Many citizens that we met at this *Salon* subsequently submitted a formal request with regard to a municipal problem they were facing.

Ms. Savard also made a general presentation explaining her functions and answered numerous questions from the public.

- **Collaboration with Éducaloi**

Éducaloi is an organization supported mainly by the Barreau du Québec to popularize legal concepts and citizens' legal rights. *Éducaloi* does so mainly through its Web site on which various legal rules are explained in simple terms, as well as the legal recourses relating thereto.

In 2006, the **OMBUDSMAN DE MONTRÉAL** made contact with *Éducaloi* to initiate a new collaboration. As a result, information on the **OMBUDSMAN DE MONTRÉAL** as well as on the new *Montréal Charter of Rights and Responsibilities* is available on the *Éducaloi* Web site, since summer 2006.

- **Promoting ombudsmanship to students**

The youth is our future. In 2006, as in previous years, the **OMBUDSMAN DE MONTRÉAL** took every opportunity presented to her to meet with students to explain the role of a legislative ombudsman in general, and of the **OMBUDSMAN DE MONTRÉAL** in particular.

In that regard, Ms. Savard:

- Participated to a presentation on the *Montréal Charter of Rights and Responsibilities*, at Université de Montréal;
 - Was a panelist at a conference on Local and participative democracy, at Université de Montréal;
 - Met with members of the Centre de consultation sur les nouvelles religions, affiliated to Université de Montréal;
 - Participated to a presentation on the *Montréal Charter of Rights and Responsibilities*, at Université du Québec à Montréal;
 - Made a presentation on the *Montréal Charter of Rights and Responsibilities*, at McGill University; and
 - Met with high school students to explain the role of a legislative ombudsman and, more specifically, that of the **OMBUDSMAN DE MONTRÉAL**.
- **Media Coverage**

During the whole of 2006, the **OMBUDSMAN DE MONTRÉAL** multiplied the opportunities to promote her service to the public she and her team could possibly help.

Many interviews were given on major television and radio stations of Montréal as well as on community and ethno-cultural channels. Canal Vox also aired new "capsules" explaining the role of the **OMBUDSMAN DE MONTRÉAL** and the *Montréal Charter of Rights and Responsibilities*: these "capsules" were very much appreciated and our office received a lot of feedback.

Articles on the **OMBUDSMAN DE MONTRÉAL** were published in most major newspapers of Montréal, in some magazines and in local and ethno-cultural papers, in English and French.

Finally, the **OMBUDSMAN DE MONTRÉAL** office was advertised in many ethno-cultural newspapers published in different languages

including Arabic, German, Pakistani, Bulgarian, Chinese, Greek, Spanish, Italian, Hebrew, Filipino, Portuguese, Russian and Vietnamese, so as to make more Montrealers aware of the existence of this exceptional service.

Special collaboration with the City of Toronto

When it created the municipal ombudsman position, in 2002, Montréal was truly innovating and became a model to be followed. Since then, other cities within the province of Québec followed through with the idea but, generally, under a different formula.

The type of ombudsman office that was set-up in Ville de Montréal, with a team of employees dedicated exclusively to this function, remains unique in Québec: it is probably better suited for larger cities.

In 2007, the City of Toronto will follow in the footsteps of Ville de Montréal. The Government of Ontario has recently adopted a law requiring that, starting in 2007, the City of Toronto endows itself with a municipal ombudsman.

Ms. Savard met an important group of administrative personnel from the City of Toronto, responsible to set-up this new service, in order to share her experience and discuss the various challenges and solutions which turned out to be the most effective in the **OMBUDSMAN DE MONTRÉAL** office.

International interest into our office

The interest towards the role of a municipal ombudsman surpasses the frontiers of Montréal, and even of Canada.

During the year 2006, the **OMBUDSMAN DE MONTRÉAL** had the opportunity to explain her role and mandate as well as the achievements of her office to representatives and dignitaries from foreign countries who were curious to know more about her field of action and the nature of her interventions.

Ms. Savard has notably met with:

- A coordinator of Brazil's "Ombudsman for citizenship" project;
- France's General Consul and representatives of the HALDE, an office responsible to combat discrimination and promote equality; and
- Municipal and State representatives from Russia.

Conferences, Symposiums and Trainings

In order to ensure their adequate understanding of the different subjects they may be called to handle, from time to time, the members of the **OMBUDSMAN DE MONTRÉAL** team acknowledge the importance of sustained training and educational programs.

In 2006, members of the team attended trainings on sustainable development and environment, fundamental rights, crisis management, communication styles, mediation, dealing with difficult people, parity in government institutions, reasonable accommodations, access to information legislation and municipal laws in general. The notions acquired during such trainings are then shared with the other members of the team.

Moreover, Ms. Savard pursued her activities within the *Forum of Canadian Ombudsman* and, in this regard, she participated to their conferences and symposiums.

She attended conferences organized by *La Conférence régionale des élus de Montréal* and by the *Association des responsables de la gestion des plaintes du gouvernement du Québec*.

She made presentations on her experience as a municipal ombudsman and gave trainings to various outside groups on the sound management of complaints.

Reasonable accommodation: Special collaborations

Reasonable accommodation is a key element of the inclusive approach which Ville de Montréal has promoted for many years.

The **OMBUDSMAN DE MONTRÉAL** sometimes intervenes with regard to such issues, when municipal services offered by Ville de Montréal are at stake. Such requests concern mainly citizens with physical limitations or members of ethno-cultural or religious groups.

Municipal managers who are faced with such requests may, sometimes, feel overwhelmed by the situation. This is why Ville de Montréal has entrusted the *Bureau des affaires interculturelles* with the mandate to ensure that Montréal municipal managers and employees understand better the notions at stake, the legal rules applicable and the appropriate way to handle requests of this nature.

In 2006, Ms. Savard collaborated with the *Bureau des affaires interculturelles*, to whom she provided comments and suggestions on how to increase employees and managers' awareness and ensure their better understanding of such situations. In order to preserve her impartiality,

however, she limited herself to a guidance and counseling role. The final responsibility as to content or form of the tools which may be created has remained the sole responsibility of the persons charged with this project.

The **OMBUDSMAN DE MONTRÉAL** also attended discussions with the Québec *Commission des droits de la personne et des droits de la jeunesse*, with regard to the public consultation it has initiated on the subject of Reasonable accommodation.

B. EXAMPLES OF REQUESTS HANDLED IN 2006

During 2006, the **OMBUDSMAN DE MONTRÉAL** handled 1407 citizens requests, including 23 files which had been received in 2005. 245 of these cases lead to more formal investigations. On December 31, 2006, only 21 of these files were still active. Here are some examples of situations we have looked into, in the past year.

Demolition of an abandoned house

A citizen complained of the deplorable state of a house on his street. The house had been abandoned for many years and, according to him, Arrondissement d'Ahuntsic-Cartierville was not making adequate interventions.

The house was in a state of advanced insanitariness. It had been uninhabited for over twenty years and a fire had burnt it down. Citizens were worried about fire hazards, which were particularly concerning to a citizen whose property was semi-attached to the house concerned. The state of the building, in an otherwise nice neighborhood, was also viewed as a major visual irritant for the residents living nearby.

Following our discussions with the borough, the latter informed us that an inspection of the Service de sécurité incendie de Montréal had confirmed that, in the event of a fire, there was a real risk that flames could spread to the neighbour's house and that, therefore, it would be appropriate to demolish this house.

The borough forwarded notices to the owner of the abandoned house enjoining him to demolish it, within a certain time limit. Extensions of the said delay were granted to the owner, at his request, but, unfortunately, nothing was done to correct the situation.

In light of the owner's idleness, the **OMBUDSMAN DE MONTRÉAL** convinced the borough that it should take upon itself to demolish the house, at the owner's expense, which the borough finally did.

The neighbours are thrilled with the results.

Illegal encroachments in a municipal alley – Phase II

In 2005, the **OMBUDSMAN DE MONTRÉAL** had handled a request from a citizen who wanted to force Arrondissement de Rivière-des-Prairies – Pointe-aux-Trembles (actual name of the borough) to sell parts of a municipal alley to the bordering citizens. Most of these bordering citizens were illegally encroaching in this alley and had done so, for many years: these encroachments have begun, however, after the City had clearly refused to sell parts of the alley to these citizens.

Following a long investigation, the **OMBUDSMAN DE MONTRÉAL** had concluded that these encroachments, with sheds and fences, created a serious problem for the City because the sewage system linked to the bordering houses was located under the said alley and was in a pitiful state. In the event of a breach, the presence of the illegal structures could prevent the City from intervening swiftly. In light of these circumstances, the **OMBUDSMAN DE MONTRÉAL** had recommended to the borough to take appropriate action so as to put an end to these illegal encroachments.

In early 2006, another citizen from the same alley requested the intervention of the **OMBUDSMAN DE MONTRÉAL** because the sheds and fences still in place were depriving him from access to his backyard, from the alley. The citizen was also worried for security reasons (eventual problems of access for a fire truck, an ambulance, etc.). In light of this new request, we intensified our efforts with the borough in order to push for a formal response to our PREVIOUS RECOMMENDATION.

The question was submitted to the Conseil d'arrondissement which, after a long debate, adopted two resolutions: one authorizing the Direction de l'aménagement urbain et des services aux entreprises to issue notices to the concerned residents requiring that they cease their illegal encroachments and restore the area to its initial state (within a reasonable delay); and the second, authorizing the same department to execute the work itself, if citizens failed to do so, at their expense.

We have received confirmation that the alley has been extricated of the illegal encroachments and that the access and safety problems alleged by the citizen have been resolved. Moreover, there are no longer obstacles in the way preventing Ville de Montréal from proceeding quickly and efficiently to maintenance and repair work that might be required on the sewage infrastructures located under this alley, from time to time.

Insanitary house: the citizen cannot return to his home

A citizen asked for the intervention of the **OMBUDSMAN DE MONTRÉAL** so that Arrondissement de LaSalle gives him back the keys to his house, of which he had been evicted, due to a major insanitary situation. He submitted he wanted to go to his house to assess the situation, but was refusing to commit himself to not settle there again, before the sanitation and safety problems had been corrected to the satisfaction of the borough.

A visit to the location allowed us to ascertain the state of major insanitation and the advanced decay of the house, which could jeopardize the health and safety of any person living there.

We made various suggestions to the citizen to help him resolve the problematic situation. We offered supervised access to his house to recuperate his goods or evaluate the situation. We offered controlled access for any contractor charged to repair the house, or for any real estate agent charged with evaluating or selling the property. We even offered to help the citizen find such contractors or real estate agents. But the citizen categorically declined all of our suggestions.

Considering the major health risks for the citizen if he returned to live in his house without first rendering it sanitary, the **OMBUDSMAN DE MONTRÉAL** has, in his interest, refused to issue the recommendation he was seeking.

She concluded that, in the circumstances, the decision of the borough not to grant this citizen unlimited access to his house was justified and reasonable. She ensured, however, that, if the citizen later accepts to collaborate to resolve the sanitation problems of his property, the borough will ensure adequate access to the location. The ombudsman then met with the citizen to explain in details the reasons for her conclusions and to reiterate that all the support options that had been offered to him remain available.

Property assessment – Respect of a previous agreement

A citizen requested the intervention of the **OMBUDSMAN DE MONTRÉAL** so that a verbal agreement reached in 2004, with Direction de l'évaluation foncière of Ville de Montréal, be respected.

The citizen submitted that under the said agreement, he had been asked to complete and return a document, within a specific delay, so that the City could re-examine the assessment of his property. However, he did not understand some of the information he had to provide and had tried to reach the employee in charge of his file, unsuccessfully. When he finally talked to another

person who provided the needed explanations, the delay had expired and the department considered the agreement no longer binding.

Our investigation confirmed that there was such an agreement, in 2004, and that during the delay granted to the citizen for the production of the required document, the employee in charge of his file was indeed absent from work, for health reasons. As it appears, it was most likely because of this person's absence that the citizen could not produce the required document in due time.

Following our intervention, Direction de l'évaluation foncière accepted to re-consider the file. As a result, the department analyzed the citizen's information and reduced the assessment of his property, in accordance with the 2004 agreement. New tax invoices were issued for the years 2004, 2005, 2006 and the amounts which had been overpaid will be reimbursed to the citizen or credited on his future invoices.

Subsidy promised – Subsidy granted

The president of a cultural organization requested the intervention of the **OMBUDSMAN DE MONTRÉAL** to obtain a municipal subsidy for the year 2005, for the group she represented.

She explained that in 2004, they had received two different subsidies through a municipal program supporting cultural organizations and that, at the time, Ville de Montréal had confirmed they would also receive a subsidy, in 2005.

Our investigation showed that the subsidy program concerned herein was changed dramatically after 2004 and, as a result, the organization no longer meets the eligibility rules. Notwithstanding the above and because Ville de Montréal had confirmed the organization it would receive a subsidy in 2005, Service du développement culturel, de la qualité du milieu de vie et de la diversité ethno-culturelle recommended to the Comité exécutif de Montréal to grant to this organization the \$2,000 financial support that had been "promised". The Comité exécutif de Ville de Montréal accepted this recommendation and the organization did receive the subsidy, retroactively, for 2005.

Update of the Policy for restriction of access to information contained in the court's computerized registers in criminal matters

A citizen submitted that the terms of the rules of the *Policy for restriction of access to information contained in the court's computerized registers in criminal matters* were different and less favorable to citizens than the ones applied by Cour du Québec, in cases of exoneration by the court. This new policy had been introduced by Cour municipale de Montréal in 2006, following a RECOMMENDATION of the **OMBUDSMAN DE MONTRÉAL**.

The citizen emphasized that at Cour du Québec, a person exonerated of a criminal accusation could obtain that his file no longer be accessible to the public after the passing of **3 years following the date of the order** of conditional discharge, whereas Cour municipale de Montréal was requesting **3 years following the end of the order**. This different rule had had the effect that his request submitted at Cour municipale de Montréal, to limit access to his file, had been denied.

Our investigation confirmed that the delay concerned, which was previously the same as the one applied by Cour municipale de Montréal, had, in fact, been changed by Cour du Québec to make it "3 years following the date of the order".

Following the intervention of the **OMBUDSMAN DE MONTRÉAL**, the managers of Cour municipale accepted to modify their procedure as well. They also undertook to revise the citizen's initial request in light of this new delay, without him having to submit a new request.

His request has been accepted and the information regarding his file, contained in the computerized registers of Cour municipale de Montréal, is no longer accessible to the public.

Major constructions – Quality of life of nearby residents

Many citizens of l'Île-des-Soeurs requested the intervention of the **OMBUDSMAN DE MONTRÉAL** regarding the same situation.

They were complaining about irritants caused by the traffic of numerous trucks, on their street. These trucks were transporting soil to be added on the site of new residential construction projects and on a new golf course. The citizens were complaining about the noise, the dust as well as the speed of these vehicles, which all impacted negatively on their quality of life.

Our investigation revealed that it was the Ministère du Développement durable, de l'Environnement et des Parcs of Government of Québec which had imposed to concerned promoters the obligation to add one additional meter of clean soil on the land where they wanted to build: if they failed to satisfy this provincial requirement, the promoters would not get the provincial authorization required to develop the area. Apparently, the site concerned presented a certain degree of contamination which the addition of one meter of clean soil would suffice to neutralize.

According to our investigation, the street on which the trucks were circulating had been chosen by Arrondissement de Verdun, after a study had shown it was the most appropriate path to ensure safe road traffic, while respecting the mandatory norms of the Ministère du Développement durable, de l'Environnement et des Parcs.

The borough had tried to limit the negative impact of this recurring circulation of trucks on the quality of life of the nearby residents, by imposing certain measures:

- The borough required from the promoter of the new golf course that he sets up and systematically uses a cleaning station for his trucks, at the exit of his site;
- This promoter had to allow other promoters concerned to use this cleaning station, for their own trucks;
- The borough required of the same promoter that he regularly cleans up the streets where the trucks were circulating, with a watering truck and a mechanical broom;
- The borough notified all promoters concerned that they were responsible to ensure their activities did not unduly dirty the roads on the island;
- The trucks were authorized to circulate on this street from Monday to Friday, between 7:00 am until 3:30 pm, only;
- The borough installed additional stop signs, at each intersection of the street used by these trucks;
- The borough also installed new speed limit signs along the same itinerary, limiting to 15 km/h the maximum speed allowed whenever truck traffic is permitted; and
- The borough required from all the promoters that they lock their construction sites at night, to avoid "wild deposits" of soil or other materials. In fact, surveillance by an agent of the borough led to the identification of a trucker who was dumping the content of his truck at night, on these sites: this stratagem was immediately put to an end.

The borough also requested the local police collaboration who implemented severe measures of control:

- Police operations were organized to ensure truckers were respecting the speed limits, the stop signs and the prohibition to circulate outside permitted days and hours;
- During a specific period we studied, 12 statements of offence were issued to truckers, 4 for not making a stop and 8 for offences related to dirtiness. It is worth mentioning that during the same period, 30 statements of offence had been given to other motorists on the same street, either for speeding or for not making a stop;
- From July to October 2006, approximately \$60,000 worth of statements of offence

were so given to promoters with regard to dirtiness offence.

After a thorough investigation, our office came to the conclusion that the borough managers and elected officials had taken action to limit the irritants resulting from this heavy trucks traffic by putting into place various measures to that effect. Another element, which was taken into account, was the fact that, although it lasted for a long while, the situation under study was a temporary one.

In spite of her sympathy towards the citizens concerned, the **OMBUDSMAN DE MONTRÉAL** concluded that the decisions, actions or omissions of the borough were not unreasonable and, therefore, it was inappropriate for her to issue a formal recommendation.

After the ombudsman informed the borough of her observations and conclusions, the mayor and the Directeur d'arrondissement met with a group of citizens affected by the situation to explore with them new ways which could possibly improve their quality of life, until this situation is over.

Noise and Vibrations – Pavement and Parking prohibitions

A citizen complained to the **OMBUDSMAN DE MONTRÉAL** about the noise and strong vibrations when heavy vehicles were passing on his street. He believed the poor maintenance of the pavement was the main reason for this problem and that a bump was at fault. The citizen was also contesting the appropriateness of some parking prohibitions and complaining about the lack of garbage bins near his home as well as the general dirtiness of his street.

We discussed the situation with representatives of Arrondissement de Ville-Marie and personally went on location, to see for ourselves.

Our investigation confirmed that the noise and vibrations generated at the passing of heavy trucks were indeed intensified due to the presence of a bump on the pavement: this bump had been formed following the breach of an underground water-main. Because of the age of this main, the parts to repair it were not available on the market and Ville de Montréal had to order some made-to-measure ones. This explained the long delays encountered before the main could be repaired which, on the other hand, was a necessary requirement before the pavement could be restored. All of this work has now been completed.

As to the parking prohibitions, they were essentially for street cleaning purposes. However, we questioned the appropriateness of the existing five days a week parking prohibitions, whereas the City broom cleans this area only once or twice a week. We discussed this with borough representatives following which, a traffic study was conducted. The Conseil d'arrondissement later

adopted a resolution limiting parking prohibitions in this area, for maintenance purposes, to two days per week.

Finally, the borough agreed to install additional garbage bins in close proximity to the citizen's home, which has since been done.

Construction site – Limiting irritants

A citizen requested the intervention of the **OMBUDSMAN DE MONTRÉAL** to complain about irritants caused by the construction site of a social housing project, in front of his residence. The citizen was mainly complaining of:

- The dirtiness of the streets, due to dust generated by the site;
- The fact that, early in the morning, before construction started, workers made a lot of noise and disrupted the peace of nearby residents; as well as
- The noise, vibrations and pollution caused by the truckers who kept their motor running for long periods of time.

Even if the presence of any construction site necessarily entails temporary irritants for the neighboring environment, we contacted representatives of Arrondissement de Rosemont–La Petite-Patrie to explore what measures could be taken to limit, as much as possible, the inconveniences resulting from this site. As a result, the borough committed to the following:

- In regards to the dirtiness around the site, the borough undertook to clean regularly the surrounding streets, in priority, with the watering truck and the mechanical broom passed in tandem. Signs prohibiting parking were also installed to ensure the street would be cleared for these cleaning periods;
- In regards to the recurring problem of noise before the start of the work shifts, the borough made different interventions including the installation of new signs around the site, to remind the workers that they must keep quiet before 7:00 am;
- Finally, a new *Règlement sur la nuisance causée par un véhicule moteur* came into effect in this borough, allowing citizens to request the intervention of police whenever a driver lets his motor run while parked;

Access to information contained in a penal file awaiting trial – Euthanasia of a dog

A citizen requested the intervention of the **OMBUDSMAN DE MONTRÉAL** to contest an order for the euthanasia of a dog who had

attacked another dog. The statements of offence regarding these same events had been contested and the files were pending, before Cour municipale de Montréal.

Generally, information contained in a penal or criminal file awaiting trial is not available but, in order to investigate our file properly, we needed the information contained in this specific file.

The **OMBUDSMAN DE MONTRÉAL** discussed the matter at length with the Procureur de la couronne responsible of this penal case and, more particularly, she explained her legal right to obtain any information and documents she deems relevant, within the investigation.

Following these discussions, the **OMBUDSMAN DE MONTRÉAL** received all the information she had requested.

As to the merit of the file, the *By-law concerning dog and animal control*, R.R.V.M., c. C-10, provides that when a dog bites a person or another animal, the director can order that the dog may be euthanized, if he believes the animal represents a health or safety hazard for the public. In the present instance, the director's decision had been based on a legal opinion and on a statistical evaluation of the risks of re-occurrence. Since the ombudsman could not conclude that the order was arbitrary or unreasonable, she did not issue any recommendation against the contested order.

C. FOLLOW-UPS ON PREVIOUS CASES

Cour municipale de Montréal's docket – Protecting persons acquitted or otherwise discharged

In her 2004 and 2005 Annual Reports, the **OMBUDSMAN DE MONTRÉAL** noted her **RECOMMENDATION** for the set-up of a new procedure at Cour municipale de Montréal to allow persons who have been acquitted or otherwise discharged from criminal accusations to request that public access to their file, via the Cour Municipale de Montréal's docket, be restricted.

In 2006, Cour municipale de Montréal received 479 such requests of which 279 were favorably granted.

As for the 200 other requests, they were denied mainly for the following reasons:

- The mandatory time limit before a request can be submitted had not expired;
- The request was incomplete;
- The situation was not one covered by the new policy; or
- The person had been found guilty. Let us

emphasize that in such cases, another procedure is available, i.e. a "Pardon application form" addressed to the Clemency and Pardons Division of the National Parole Board.

Office municipal d'habitation de Montréal (OMHM)

In her 2004 Annual Report, the OMBUDSMAN DE MONTRÉAL had mentioned that she had received numerous complaints with regard to social housing which, in Ville de Montréal, falls under the jurisdiction of OMHM.

In her 2005 Annual Report, the OMBUDSMAN DE MONTRÉAL noted that OMHM was planning to set-up a *Bureau des plaintes*, for 2006. The OMBUDSMAN DE MONTRÉAL team offered its full support to the persons responsible to set-up and to run this new office.

This project took concrete form and the OMHM *Bureau des plaintes* began its activities on March 15, 2006. According to our information, 457 requests were handled by this office in 2006, of which 137 led to a more detailed investigation. These numbers confirm there was a real need for such an office and the OMBUDSMAN DE MONTRÉAL will continue to work closely and support its employees, in every possible way.

Handling of excessive noise complaints

In her 2005 Annual Report, the OMBUDSMAN DE MONTRÉAL had emphasized the fact that, in many boroughs of the former Ville de Montréal, the management of noise complaints was inadequate and the delays way too long. We had then obtained a commitment from the boroughs concerned that measures would be taken in 2006, to improve this situation.

This issue became even more critical in 2006, with the coming into effect of the new *Montréal Charter of Rights and Responsibilities* whose section 24 g) confirms Ville de Montréal's commitment to *take measures to reduce abusive irritants resulting from noise*.

The OMBUDSMAN DE MONTRÉAL followed through on this matter in 2006, and, as a result, the 7 boroughs most affected by this problem took an interest into the question. They elaborated different measures aimed at improving the situation, among which: the purchase of additional equipment to measure the level of noises and, when needed, resorting to external experts in more complex files.

Boroughs which committed to do more to ensure the quick handling of noise complaints are the following: Rosemont–La Petite-Patrie; Mercier–Hochelaga-Maisonneuve; Le Plateau Mont-Royal; Ville-Marie; Ahuntsic–Cartierville and more

recently, Côte-des-Neiges–Notre-Dame-de-Grâce.

The OMBUDSMAN DE MONTRÉAL has been able to ascertain the positive impact of these measures: we have received a lot less complaints reproaching long delays in the treatment of noise complaints or worse, that a file had not been treated, for lack of resources.

On the other hand, the OMBUDSMAN DE MONTRÉAL has submitted comments and suggestions on the subject of noise irritants and their management to the team charged by the Comité exécutif to prepare the *First strategic plan for sustainable development in the Montréal collectivity*.

D. MENTIONS FOR EXCEPTIONAL COLLABORATION

Whenever the OMBUDSMAN DE MONTRÉAL intervenes in a file, the collaboration of Ville de Montréal representatives is important and generally acquired.

Some persons, however, stand out more particularly by offering an absolutely exceptional support in complex or difficult files, in the best interest of the citizens who had solicited our intervention.

In 2006, we must emphasize the great collaboration we received from:

- The new Directeur d'arrondissement, Mr. Éric Lachapelle, and the Chef de division – permis et inspections, Mr. Richard Blais, from Arrondissement d'Ahuntsic–Cartierville;
- The Directeur d'arrondissement of Arrondissement de Rivière-des-Prairies–Pointe-aux-Trembles, Mr. Pierre Santamaria;
- The Chef de division – voirie of Arrondissement Le Plateau Mont-Royal, Mr. Marc Dusault;
- The Chef de division – permis et inspection of Arrondissement de Rosemont–La Petite-Patrie, Mr. Claude Phaneuf;
- The Chef de division – voirie of Arrondissement de Ville-Marie, Mr. Richard Achille; and
- The Chef de section – entreposage et disposition of Division du transport et de l'entreposage, Mr. Carl Moise, as well as all of the employees of Ville de Montréal's City pound.

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

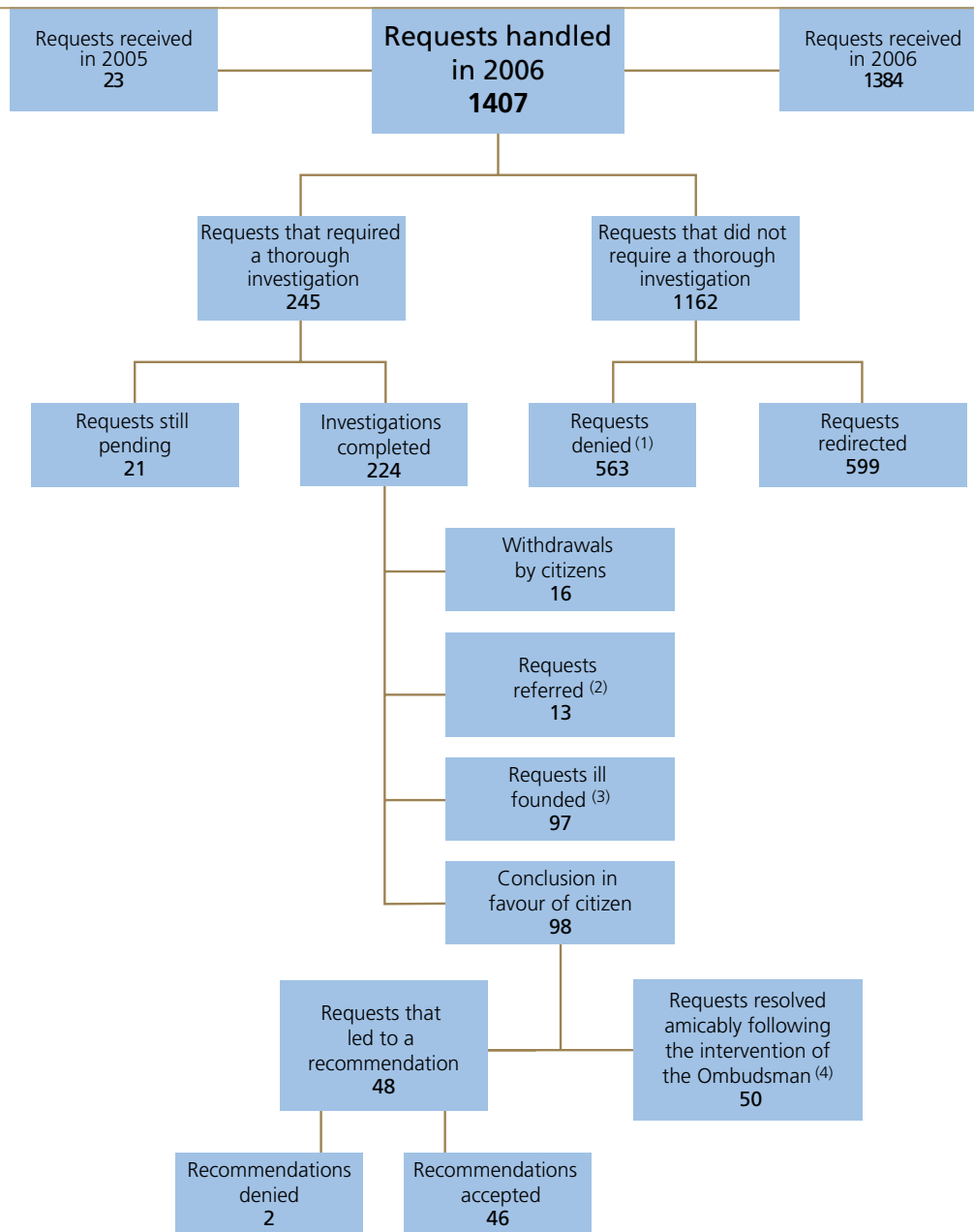


E. STATISTIC TABLES 2006

Table 1

Requests handled in 2006

(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 director concerned, 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 director concerned, voluntarily settled the issue, to the citizen's advantage.

Table 2

Subject of requests received*(Including "Charter files")*

Subject	Number of requests		
	2004	2005	2006
Access to information	0	7	23
Acquired rights	0	3	7
Alley	1	3	13
Animal	1	6	21
Application of by-laws	0	12	57
Aqueduct / Sewer	0	6	21
Communications	0	16	18
Conduct of an employee	10	52	102
Court decision	0	3	31
Culture	0	0	4
Cycling path	0	0	4
Decision of a Conseil d'arrondissement	0	8	8
Decision of a Conseil municipal	0	0	7
Decision of the Comité exécutif	0	0	28
Driveway entrance	1	1	2
Environment / Sustainable development	0	3	4
Evaluation / Real estate tax	11	13	28
Fence	0	1	9
Financial compensation	18	n/a ⁽⁵⁾	n/a ⁽⁵⁾
Financial compensation (aqueduct / sewer)	n/a	5	9
Financial compensation (climate event)	n/a	1	3
Financial compensation (fall on sidewalk)	n/a	4	19
Financial compensation (municipal pound)	n/a	4	3
Financial compensation (municipal works)	n/a	2	12
Financial compensation (other)	n/a	19	40
Financial compensation (pothole)	n/a	2	11
Financial compensation (road incident)	n/a	5	11
Financial compensation (tree)	n/a	1	5
Fire / Public safety	0	4	6
Garbage / Recycling	5	5	35
Handicapped person	1	1	7
Human rights	1	5	14
Immigration	0	1	8
Labour relations ⁽⁶⁾	6	13	58
Library (municipal)	0	1	4
Management of underground pipes	0	1	0
Miscellaneous	6	13	35
Municipal court	15	39	56
Noise	9	16	32
Nuisance	0	1	27

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

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

Table 2 (continued)

Subject of requests received

(Including "Charter files")

Subject	Number of requests		
	2004	2005	2006
Parking / SRRR / Vignettes	5	25	61
Parks and Green spaces	0	4	8
Permit	9	30	29
Pound (other)	1	1	5
Pound (storage of furniture) ⁽⁷⁾	55	43	56
Provincial organizations	0	12	34
Public health	2	12	34
Public markets	1	0	1
Road works / Public works	6	20	96
Scientific institutions / Jardin botanique	0	0	2
Snow removal	0	6	14
Social housing / HLM / Housing subsidies	9	16	56
Sports and leisure	10	5	14
Subsidy other than housing	9	11	19
Tax (except real estate)	0	10	11
Taxi	0	1	4
Tenant / Landlord relations	0	15	27
Tenders	1	1	6
Traffic	4	5	32
Transportation	0	6	19
Tree	8	15	32
Violation of law	0	4	21
Volunteers	0	1	2
Winter temporary shelter	0	0	1
Zoning / Urban planning / Exemption	6	20	18
TOTAL	211	541	1384

(7) In 2004, this subject of request was under the heading "Eviction".

Table 3

Evolution of requests from 2003 to 2006

(Including "Charter files")

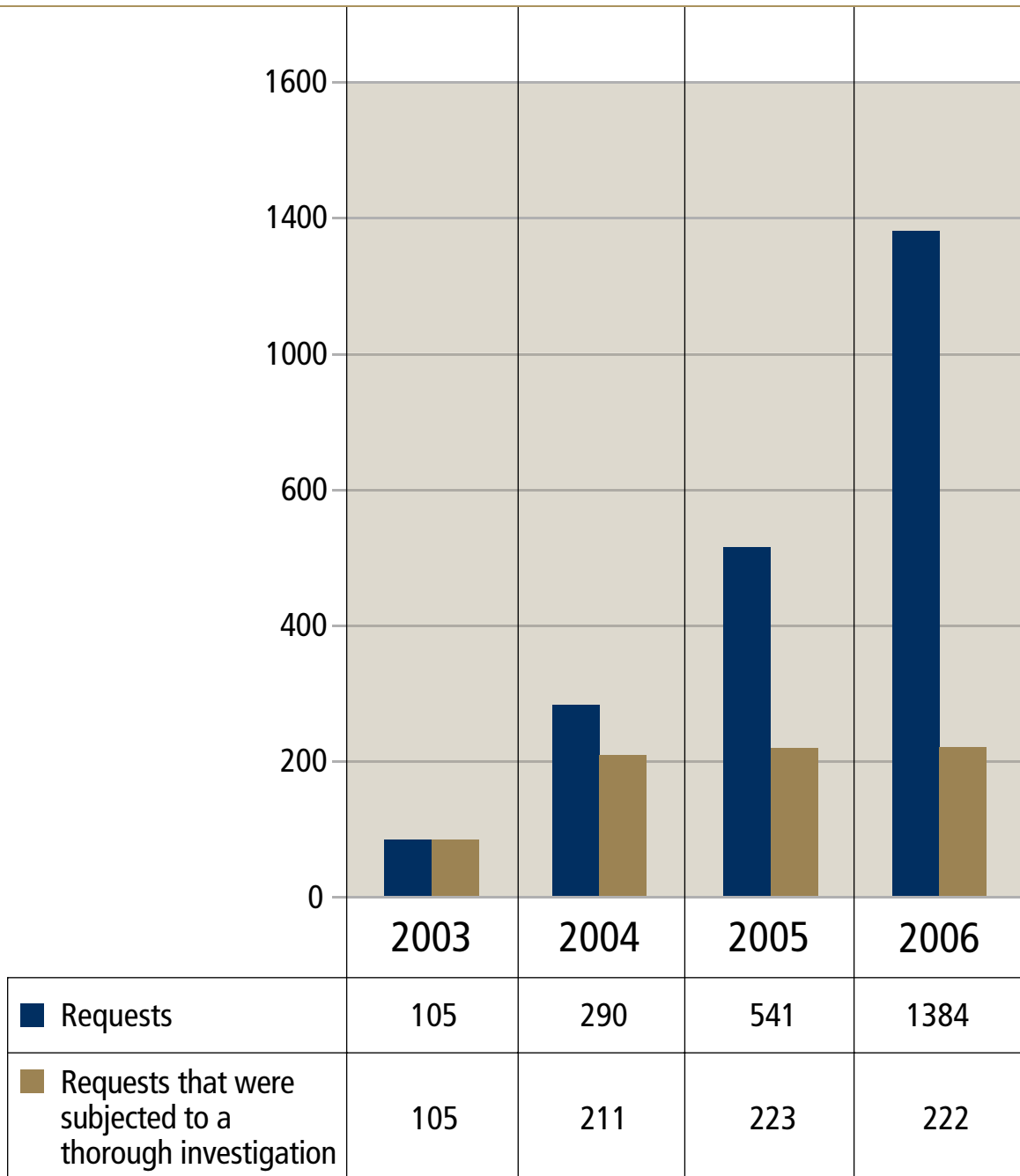


Table 4

Number of requests falling under borough's jurisdiction (Including "Charter files")

Borough	Number		
	2004	2005	2006
Ahuntsic – Cartierville	8	17	47
Anjou	1	2	15
Beaconsfield – Baie-D'Urfé ⁽⁸⁾	2	0	n/a
Côte-des-Neiges – Notre-Dame-de-Grâce	3	17	71
Côte-Saint-Luc – Hampstead – Montréal-Ouest ⁽⁸⁾	2	6	n/a
Dollard-Des Ormeaux – Roxboro ⁽⁸⁾	0	1	n/a
Dorval – L'Île-Dorval ⁽⁸⁾	7	0	n/a
Kirkland ⁽⁸⁾	0	0	n/a
L'Île-Bizard – Sainte-Geneviève – Sainte-Anne-de-Bellevue ⁽⁸⁾	1	2	n/a
L'Île-Bizard – Sainte-Geneviève ⁽⁹⁾	n/a	n/a	3
Lachine	2	11	17
LaSalle	3	5	15
Le Plateau Mont-Royal	10	21	38
Le Sud-Ouest	4	15	29
Mercier – Hochelaga-Maisonneuve	14	16	59
Montréal-Nord	12	5	8
Mont-Royal ⁽⁸⁾	1	1	n/a
Outremont	4	9	8
Pierrefonds – Senneville ⁽⁸⁾	2	5	n/a
Pierrefonds – Roxboro ⁽⁹⁾	n/a	n/a	8
Pointe-Claire ⁽⁸⁾	0	1	n/a
Rivière-des-Prairies – Pointe-aux-Trembles – Montréal-Est ⁽⁸⁾	3	14	n/a
Rivière-des-Prairies – Pointe-aux-Trembles ⁽⁹⁾	n/a	n/a	37
Rosemont – La Petite-Patrie	3	14	62
Saint-Laurent	0	7	18
Saint-Léonard	0	1	8
Verdun	4	10	18
Ville-Marie	7	20	60
Villeray – Saint-Michel – Parc-Extension	1	8	36
Westmount ⁽⁸⁾	2	3	n/a
Special investigations concerning all boroughs	0	0	1
TOTAL	90	211	558

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

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

Table 5

Requests falling under borough's jurisdiction—By subject *(Including "Charter files")*

Borough	Subject	Number	%
Ahuntsic – Cartierville			
	Access to information	1	2.13
	Alley	1	2.13
	Application of by-laws	8	17.02
	Aqueduct / Sewer	1	2.13
	Communications	1	2.13
	Decision of a Conseil d'arrondissement	2	4.25
	Garbage / Recycling	1	2.13
	Labour relations	1	2.13
	Noise	3	6.38
	Parks and Green spaces	1	2.13
	Permit	3	6.38
	Public health	2	4.25
	Road works / Public works	10	21.29
	Snow removal	3	6.38
	Sports and leisure	1	2.13
	Traffic	2	4.25
	Tree	3	6.38
	Zoning / Urban planning / Exemption	3	6.38
	Total	47	100%
Anjou			
	Access to information	2	13.33
	Application of by-laws	1	6.66
	Conduct of an employee	2	13.33
	Cycling path	1	6.66
	Fence	1	6.66
	Garbage / Recycling	1	6.66
	Noise	1	6.66
	Public health	1	6.66
	Sports and leisure	1	6.66
	Traffic	4	26.66
	Total	15	100%

Table 5 (continued)

Requests falling under borough's jurisdiction—By subject (Including "Charter files")

Borough	Subject	Number	%
Côte-des-Neiges – Notre-Dame-de-Grâce			
	Application of by-laws	11	15.49
	Aqueduct / Sewer	4	5.64
	Conduct of an employee	4	5.64
	Fire / Public safety	1	1.40
	Garbage / Recycling	6	8.45
	Noise	3	4.23
	Parking / SRRR / Vignettes	1	1.40
	Parks and Green spaces	1	1.40
	Permit	6	8.45
	Public health	6	8.45
	Road works / Public works	16	22.54
	Snow removal	1	1.40
	Sports and leisure	1	1.40
	Traffic	3	4.23
	Tree	4	5.64
	Zoning / Urban planning / Exemption	3	4.23
	Total	71	100%
L'Île-Bizard – Sainte-Geneviève			
	Application of by-laws	1	33.33
	Conduct of an employee	1	33.33
	Snow removal	1	33.33
	Total	3	100%
Lachine			
	Acquired rights	1	5.88
	Animal	1	5.88
	Conduct of an employee	4	23.54
	Fence	1	5.88
	Garbage / Recycling	1	5.88
	Noise	3	17.65
	Parks and Green spaces	1	5.88
	Permit	1	5.88
	Public health	1	5.88
	Traffic	3	17.65
	Total	17	100%

Table 5 (continued)

Requests falling under borough's jurisdiction—By subject (Including "Charter files")

Borough	Subject	Number	%
LaSalle			
	Animal	2	13.33
	Application of by-laws	1	6.66
	Conduct of an employee	1	6.66
	Garbage / Recycling	1	6.66
	Human rights	1	6.66
	Library (municipal)	1	6.66
	Parks and Green spaces	1	6.66
	Permit	1	6.66
	Public health	3	20.00
	Tax (except real estate)	1	6.66
	Traffic	1	6.66
	Winter temporary shelter	1	6.66
	Total	15	100%
Le Plateau Mont-Royal			
	Animal	2	5.26
	Application of by-laws	4	10.53
	Aqueduct / Sewer	2	5.26
	Conduct of an employee	1	2.63
	Garbage / Recycling	3	7.90
	Noise	6	15.78
	Parking / SRRR / Vignettes	3	7.90
	Permit	3	7.90
	Public health	1	2.63
	Road works / Public works	6	15.78
	Taxi	1	2.63
	Traffic	5	13.16
	Zoning / Urban planning / Exemption	1	2.63
	Total	38	100%
Le Sud-Ouest			
	Access to information	1	3.45
	Animal	1	3.45
	Application of by-laws	3	10.35
	Aqueduct / Sewer	1	3.45
	Communications	1	3.45
	Conduct of an employee	2	6.89
	Driveway entrance	1	3.45
	Fence	1	3.45
	Library (municipal)	1	3.45
	Miscellaneous	1	3.45
	Noise	1	3.45
	Parks and Green spaces	2	6.89

Table 5 (continued)

Requests falling under borough's jurisdiction—By subject (Including "Charter files")

Borough	Subject	Number	%
Le Sud-Ouest (continued)			
	Road works / Public works	9	31.03
	Sports and leisure	1	3.45
	Tree	2	6.89
	Zoning / Urban planning / Exemption	1	3.45
	Total	29	100%
Mercier – Hochelaga-Maisonneuve			
	Alley	3	5.08
	Animal	2	3.38
	Application of by-laws	1	1.70
	Aqueduct / Sewer	4	6.78
	Communications	1	1.70
	Conduct of an employee	3	5.08
	Fence	1	1.70
	Garbage / Recycling	4	6.78
	Noise	1	1.70
	Nuisance	1	1.70
	Parks and Green spaces	1	1.70
	Parking / SRRR / Vignettes	4	6.78
	Permit	3	5.08
	Public health	1	1.70
	Road works / Public works	14	23.73
	Snow removal	1	1.70
	Sports and leisure	1	1.70
	Traffic	2	3.38
	Tree	11	18.64
	Total	59	100%
Montréal-Nord			
	Application of by-laws	1	12.50
	Conduct of an employee	1	12.50
	Decision of a Conseil d'arrondissement	1	12.50
	Public health	1	12.50
	Sports and leisure	1	12.50
	Tree	1	12.50
	Traffic	2	25.00
	Total	8	100%

Table 5 (continued)

Requests falling under borough's jurisdiction—By subject (Including "Charter files")

Borough	Subject	Number	%
Outremont			
	Acquired rights	2	25.00
	Application of by-laws	1	12.50
	Decision of a Conseil d'arrondissement	1	12.50
	Miscellaneous	1	12.50
	Parking / SRRR / Vignettes	1	12.50
	Snow removal	1	12.50
	Sports and leisure	1	12.50
	Total	8	100%
Pierrefonds – Roxboro			
	Access to information	1	12.50
	Application of by-laws	1	12.50
	Decision of a Conseil d'arrondissement	1	12.50
	Fence	1	12.50
	Financial compensation (other)	1	12.50
	Garbage / Recycling	1	12.50
	Nuisance	1	12.50
	Public health	1	12.50
	Total	8	100%
Rivière-des-Prairies – Pointe-aux-Trembles			
	Alley	3	8.11
	Acquired rights	1	2.70
	Animal	2	5.41
	Application of by-laws	4	10.82
	Aqueduct / Sewer	3	8.11
	Conduct of an employee	2	5.40
	Environment / Sustainable development	1	2.70
	Garbage / Recycling	1	2.70
	Miscellaneous	1	2.70
	Parking / SRRR / Vignettes	1	2.70
	Parks and Green spaces	1	2.70
	Permit	1	2.70
	Road works / Public works	11	29.73
	Tree	4	10.82
	Zoning / Urban planning / Exemption	1	2.70
	Total	37	100%

Table 5 (continued)

Requests falling under borough's jurisdiction—By subject (Including "Charter files")

Borough	Subject	Number	%
Rosemont – La Petite-Patrie			
	Acquired rights	1	1.61
	Alley	3	4.84
	Animal	4	6.45
	Application of by-laws	4	6.45
	Aqueduct / Sewer	2	3.23
	Conduct of an employee	1	1.61
	Cycling path	2	3.23
	Garbage / Recycling	2	3.23
	Noise	7	11.29
	Nuisance	2	3.23
	Parking / SRRR / Vignettes	5	8.06
	Parks and Green spaces	1	1.61
	Permit	3	4.84
	Public health	4	6.45
	Public markets	1	1.61
	Road works / Public works	14	22.58
	Traffic	3	4.84
	Tree	2	3.23
	Zoning / Urban planning / Exemption	1	1.61
	Total	62	100%
Saint-Laurent			
	Communications	1	5.55
	Conduct of an employee	1	5.55
	Garbage / Recycling	9	55.05
	Library (municipal)	1	5.55
	Nuisance	1	5.55
	Parking / SRRR / Vignettes	1	5.55
	Snow removal	1	5.55
	Tax (except real estate)	1	5.55
	Traffic	1	5.55
	Tree	1	5.55
	Total	18	100%
Saint-Léonard			
	Application of by-laws	1	12.50
	Garbage / Recycling	1	12.50
	Handicapped person	1	12.50
	Miscellaneous	1	12.50
	Noise	1	12.50
	Nuisance	1	12.50
	Parking / SRRR / Vignettes	1	12.50
	Pound (storage of furniture)	1	12.50
	Total	8	100%

Table 5 (continued)

Requests falling under borough's jurisdiction—By subject (Including "Charter files")

Borough	Subject	Number	%
Verdun	Application of by-laws	1	5.55
	Conduct of an employee	1	5.55
	Nuisance	10	55.56
	Parking / SRRR / Vignettes	1	5.55
	Permit	1	5.55
	Pound (storage of furniture)	1	5.55
	Road works / Public works	1	5.55
	Subsidy other than housing	1	5.55
	Traffic	1	5.55
	Total	18	100%
Ville-Marie	Access to information	1	1.67
	Alley	2	3.33
	Animal	3	5.00
	Application of by-laws	7	11.67
	Communications	1	1.67
	Conduct of an employee	3	5.00
	Culture	1	1.67
	Decision of a Conseil d'arrondissement	1	1.67
	Fire / Public safety	1	1.67
	Garbage / Recycling	2	3.33
	Miscellaneous	1	1.67
	Noise	3	5.00
	Nuisance	4	6.67
	Parking / SRRR / Vignettes	2	3.33
	Parks and Green spaces	1	1.67
	Permit	5	8.33
	Public health	3	5.00
	Road works / Public works	10	16.66
	Snow removal	2	3.33
	Subsidy other than housing	1	1.67
	Taxi	1	1.67
	Tree	1	1.67
	Zoning / Urban planning / Exemption	4	6.67
	Total	60	100%

Table 5 (continued)

Requests falling under borough's jurisdiction—By subject (Including "Charter files")

Borough	Subject	Number	%
Villeray – Saint-Michel – Parc-Extension			
	Access to information	1	2.78
	Alley	1	2.78
	Animal	1	2.78
	Aqueduct / Sewer	1	2.78
	Conduct of an employee	2	5.55
	Decision of a Conseil d'arrondissement	2	5.55
	Fence	3	8.33
	Garbage / Recycling	1	2.78
	Handicapped person	1	2.78
	Noise	2	5.55
	Nuisance	2	5.55
	Parking / SRRR / Vignettes	5	13.88
	Public health	2	5.55
	Road works / Public works	4	11.11
	Snow removal	2	5.55
	Sports and leisure	1	2.78
	Taxi	2	5.55
	Traffic	1	2.78
	Tree	2	5.55
	Total	36	100%
All boroughs			
	Zoning / Urban planning / Exemption	1	100.00
	Total	1	100%

Table 6

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

Department	Number		
	2004	2005	2006
Affaires corporatives			
• Direction des affaires pénales et criminelles	16	48	83
• Direction du contentieux	17	38	91
• Direction du greffe	0	1	8
• Direction de l'administration et du soutien opérationnel (pound only)	56 ⁽¹⁰⁾	44 ⁽¹⁰⁾	59
• Direction de l'évaluation foncière	0	0	5
Direction générale			
• Direction des communications et des relations avec les citoyens	0	11	4
Finances			
• Direction des revenus et de la planification fiscale	9	25	31
• Direction de la comptabilité et du contrôle financier	0	0	2
Développement culturel, qualité du milieu de vie et diversité ethnoculturelle			
• Direction du développement culturel et des bibliothèques	0	1	5
• Direction des sports, loisirs, parcs et espaces verts	0	3	6
• Direction des Muséums Nature de Montréal	0	0	3
• Direction des affaires interculturelles	0	0	1
• Direction de la sécurité du revenu et du développement social	0	0	1
Capital humain			
• All departments included	6	12	42
Mise en valeur du territoire et du patrimoine			
• Direction des immeubles	1 ⁽¹¹⁾	1 ⁽¹¹⁾	5
• Direction du développement du territoire, du patrimoine et de l'habitation	8	0	n/a ⁽¹²⁾
• Direction de projets	0	11	16
• Direction planification et interventions stratégiques	0	0	1
Infrastructures, transport et environnement			
• Direction de l'administration et du soutien technique	1	16	39
• Direction de l'environnement	0	2	3
• Direction du transport	0	1	1
• Direction de l'ingénierie de voirie	0	0	1
Police			
• Direction des communications d'urgence et du Bureau du taxi et du remorquage	1	3	3
• Direction du service de police	0	13	46
Sécurité incendie de Montréal			
• All departments included	0	1	5
TOTAL	115	231	461

(10) In previous Annual Reports, "Pound" files were grouped under the heading Direction de l'approvisionnement of Service des services administratifs.

(11) In previous Annual Reports, these files were grouped under the heading Direction des immeubles of Service des services administratifs.

(12) This department no longer exists in Ville de Montréal in 2006.

Table 7

Requests falling under the jurisdiction of central departments *(Including "Charter files")*

Department	Subject	Number	%
Affaires corporatives			
• Direction des affaires pénales et criminelles	Conduct of an employee	5	2.03
	Court decision	22	8.95
	Municipal court	56	22.77
• Direction du contentieux	Conduct of an employee	5	2.03
	Financial compensation (aqueduct / sewer)	9	3.66
	Financial compensation (climate event)	3	1.22
	Financial compensation (fall on sidewalk)	19	7.72
	Financial compensation (municipal pound)	3	1.22
	Financial compensation (municipal works)	12	4.87
	Financial compensation (other)	14	5.70
	Financial compensation (pothole)	10	4.06
	Financial compensation (road incident)	11	4.47
	Financial compensation (tree)	5	2.03
	• Direction du greffe	Access to information	7
Tenders		1	0.41
• Direction de l'administration et du soutien opérationnel	Pound (other)	5	2.03
	Pound (storage of furniture)	54	21.95
• Direction de l'évaluation foncière	Evaluation / Real estate tax	5	2.03
Total		246	100%
Direction générale			
• Direction des communications et des relations avec les citoyens	Communications	4	100.00
Total		4	100%
Finances			
• Direction des revenus et de la planification fiscale	Application of by-laws	1	3.03
	Conduct of an employee	1	3.03
	Evaluation / Real estate tax	21	63.64
	Financial compensation (other)	1	3.03
	Subsidy other than housing	1	3.03
	Tax (except real estate)	6	18.18
• Direction de la comptabilité et du contrôle financier	Application of by-laws	1	3.03
	Financial compensation (other)	1	3.03
Total		33	100%

Table 7 (continued)

Requests falling under the jurisdiction of central departments (Including "Charter files")

Department	Subject	Number	%
Développement culturel, qualité du milieu de vie et diversité ethnoculturelle			
• Direction du développement culturel et des bibliothèques	Culture	2	12.50
	Financial compensation (other)	1	6.25
	Handicapped person	1	6.25
	Library (municipal)	1	6.25
• Direction des sports, loisirs, parcs et espaces verts	Animal	1	6.25
	Parks and Green spaces	1	6.25
	Sports and leisure	4	25.00
• Direction des Muséums Nature de Montréal	Parking / SRRR / Vignettes	1	6.25
	Scientific institutions / Jardin Botanique	2	12.50
• Direction des affaires interculturelles	Culture	1	6.25
• Direction de la sécurité du revenu et du développement social	Conduct of an employee	1	6.25
Total		16	100%
Capital humain			
• All departments included	Labour relations	42	100.00
Total		42	100%
Mise en valeur du territoire et du patrimoine			
• Direction des immeubles	Access to information	1	4.54
	Financial compensation (other)	1	4.54
	Miscellaneous	2	9.09
	Tenders	1	4.54
• Direction de projets	Conduct of an employee	1	4.54
	Miscellaneous	1	4.54
	Subsidy other than housing	14	63.64
• Direction planification et interventions stratégiques	Conduct of an employee	1	4.54
Total		22	100%
Infrastructures, transport et environnement			
• Direction de l'administration et du soutien technique	Application of by-laws	2	4.56
	Conduct of an employee	10	22.73
	Parking / SRRR / Vignettes	26	59.09
	Traffic	1	2.27
• Direction de l'environnement	Environment / Sustainable development	1	2.27
	Garbage / Recycling	1	2.27
	Public health	1	2.27
• Direction du transport	Cycling path	1	2.27
• Direction de l'ingénierie de voirie	Traffic	1	2.27
Total		44	100%

Table 7 (continued)

Requests falling under the jurisdiction of central departments (Including "Charter files")

Department	Subject	Number	%
Police			
• Direction des communications d'urgence et du Bureau du taxi et du remorquage	Application of by-laws	1	2.04
	Conduct of an employee	1	2.04
	Transportation	1	2.04
• Direction du service de police	Access to information	4	8.16
	Conduct of an employee	25	51.02
	Miscellaneous	1	2.04
	Nuisance	2	4.08
	Traffic	1	2.04
	Violation of law	13	26.54
	Total	49	100%
Sécurité incendie de Montréal			
• All departments included	Fire / Public safety	3	60.00
	Tenders	2	40.00
Total	5	100%	

Table 8

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

Corporation or organization	Number		
	2004	2005	2006
Commission des services électriques de Montréal	0	1	0
Corporation Anjou 80	0	1	0
Corporation de gestion des marchés publics	1	0	0
Corporation des habitations Jeanne-Mance	1	1	0
Office municipal d'habitation de Montréal	9	16	60
Société du parc Jean-Drapeau	0	0	2
Société d'habitation et de développement de Montréal	1	2	4
Société de transport de Montréal	1	12	20
Société en commandite Stationnement de Montréal	0	1	7
Non municipal entities linked or not to the City ⁽¹³⁾	2	65	204
Municipal entities with no link to the City ⁽¹⁴⁾	0	0	25
Total	15	99	322

(13) These are essentially entities over which the OdM does not have jurisdiction.

(14) These are mainly former boroughs which became, in 2006, independent cities.

Table 9

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

Corporation or organization	Subject	Number	%
Office municipal d'habitation de Montréal			
	Conduct of an employee	3	5.00
	Handicapped person	1	1.67
	Public health	5	8.33
	Social housing / HLM / Housing subsidies	50	83.33
	Tenant / Landlord relations	1	1.67
	Total	60	100 %
Société du parc Jean-Drapeau			
	Parking / SRRR / Vignettes	1	50.00
	Tenders	1	50.00
	Total	2	100 %
Société d'habitation et de développement de Montréal			
	Conduct of an employee	1	25.00
	Social housing / HLM / Housing subsidies	2	50.00
	Tenant / Landlord relations	1	25.00
	Total	4	100 %
Société de transport de Montréal			
	Conduct of an employee	4	20.00
	Fire / Public safety	1	5.00
	Transportation	15	75.00
	Total	20	100%
Société en commandite Stationnement de Montréal			
	Parking / SRRR / Vignettes	7	100.00
	Total	7	100 %
Non municipal entities linked or not to the City⁽¹⁵⁾			
	Access to information	3	1.47
	Acquired rights	2	0.98
	Communications	8	3.92
	Conduct of an employee	15	7.35
	Court decision	9	4.42
	Fence	1	0.49
	Financial compensation (other)	21	10.29
	Handicapped person	2	0.98
	Human rights	12	5.88
	Immigration	8	3.92
	Labour relations	12	5.88
	Miscellaneous	26	12.76
	Noise	1	0.49
	Nuisance	3	1.47
	Provincial organizations	34	16.67
	Social housing / HLM / Housing subsidies	4	1.96

(15) These are essentially entities over which the Odm does not have jurisdiction.

Table 9 (continued)

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

Corporation or organization	Subject	Number	%
Non municipal entities linked or not to the City⁽¹⁵⁾ (continued)			
	Sports and leisure	2	0.98
	Subsidy other than housing	1	0.49
	Tenant / Landlord relations	25	12.25
	Tenders	1	0.49
	Transportation	3	1.47
	Tree	1	0.49
	Violation of law	8	3.92
	Volunteers	2	0.98
	Total	204	100%
Municipal entities with no link to the City⁽¹⁶⁾			
	Animal	2	8.00
	Application of by-laws	1	4.00
	Aqueduct / Sewer	3	12.00
	Decision of a Conseil municipal	1	4.00
	Driveway entrance	1	4.00
	Evaluation / Real estate tax	2	8.00
	Financial compensation (pothole)	1	4.00
	Handicapped person	1	4.00
	Labour relations	3	12.00
	Permit	2	8.00
	Public health	2	8.00
	Subsidy other than housing	1	4.00
	Tax (except real estate)	1	4.00
	Traffic	1	4.00
	Zoning / Urban planning / Exemption	3	12.00
	Total	25	100%

(15) These are essentially entities over which the OdM does not have jurisdiction.

(16) These are mainly former boroughs which became, in 2006, independent cities.

Table 10

Requests concerning political entities

(Including "Charter files")

Entity	Number
Cabinet du maire	2
Comité exécutif	33
Conseil de la Ville	10
Conseil d'agglomération	1
Total	46

Table 11

Subject of requests concerning political entities

(Including "Charter files")

Entity	Subject	Number	%
Cabinet du maire	Communications	1	50.00
	Tax (except real estate)	1	50.00
	Total	2	100%
Comité exécutif	Decision of the Comité exécutif	28	84.85
	Environment / Sustainable development	2	6.06
	Parking / SRRR / Vignettes	1	3.03
	Snow removal	2	6.06
	Total	33	100%
Conseil de la Ville	Access to information	1	10.00
	Application of by-laws	1	10.00
	Decision of a Conseil municipal	6	60.00
	Human rights	1	10.00
	Road works / Public works	1	10.00
	Total	10	100%
Conseil d'agglomération	Tax (except real estate)	1	100.00
	Total	1	100%

Table 12

Final settlement or final response period

(Including "Charter files")

A. All requests included										
	1 to 2 working days	5 working days	10 working days	1 month	2 months	3 months	4 months	5 months or more	Files still pending as of Jan. 1, 2007	TOTAL
2003	19	3	9	26	23	14	14	9	0	117
%	16.24	2.55	7.69	22.22	19.66	11.97	11.97	7.69	0.00	100%
2004	102	18	17	38	47	23	8	22	0	275
%	37.09	6.55	6.19	13.81	17.09	8.37	2.90	8.00	0.00	100%
2005	362	36	26	43	30	21	5	18	0	541
%	66.91	6.65	4.80	7.95	5.55	3.88	0.93	3.33	0.00	100%
2006	1142	47	33	38	60	23	9	11	21	1384
%	82.51	3.40	2.38	2.75	4.34	1.66	0.65	0.79	1.52	100%

N.B. The 21 files still pending as of January 1, 2007 include requests that were submitted at year-end.

B. Requests that required a thorough investigation										
	1 to 2 working days	5 working days	10 working days	1 month	2 months	3 months	4 months	5 months or more	TOTAL	
2006	1	47	33	38	60	23	9	11	222	
%	0.45	21.17	14.86	17.12	27.03	10.36	4.05	4.96	100%	

Table 13

Submission of requests*(mode)*

Mode	Number in 2005	%	Number in 2006	%
E-mail	73	13.49	148	10.70
Fax	36	6.65	93	6.72
In person	61	11.28	125	9.03
Mail	88	16.27	102	7.37
Telephone	283	52.31	916	66.18
Total	541	100 %	1384	100 %

Table 14
Demographic datas

	Subject	Number	%
Gender	Woman	676	48.84
	Man	708	51.16
	Total	1384	100%
Language	English	286	20.65
	French	1098	79.34
	Total	1384	100%
Age Group⁽¹⁷⁾	18-25	11	0.79
	26-50	540	39.02
	51-64	171	12.36
	65 or more	99	7.15
	Unknown	563	40.68
	Total	1384	100%
Origin⁽¹⁸⁾	Ethnocultural or visible minority	208	15.03
	Canadian	757	54.70
	Unknown	419	30.27
	Total	1384	100%

(17) This information has been provided on a voluntary basis. 59.32% of respondents have confirmed their age group.

(18) This information has been provided on a voluntary basis. 69.73% of respondents have given this information.



MARCHÉ BONSECOURS.

IV THE OMBUDSMAN DE MONTRÉAL ACTION PLAN FOR 2007

It is under the theme "**Promoting respect; Ensuring equity**" that the OMBUDSMAN DE MONTRÉAL and her team has started 2007.

A. STRUCTURE AND ORGANIZATION

In 2007, the OMBUDSMAN DE MONTRÉAL team will continue to:

- Offer an attentive and personalized service to citizens;
- Ensure a rigorous follow-up of all files;
- Treat with justice and equity all people concerned with a file;
- Protect, as much as possible, the confidentiality of information gathered during its investigations;
- Demonstrate rigor and an exemplary ethic in the accomplishment of their work;
- Promote balance between the citizens' rights and municipal responsibilities; and
- Ensure the respect of the commitments contained in the *Montréal Charter of Rights and Responsibilities* by City's employees, managers and elected officials and promote the citizens' responsibility as well, in that regard.

In light of the significant increase of requests submitted to our office, from year to year, the addition of another investigator is to be foreseen.

B. CONTINUED TRAINING

The nature of the files in which we are called upon to intervene is extremely diversified and more complex: from the simple analysis of the quality of municipal services to the study of files concerning fundamental rights, the environment or the patrimony, the spectrum of our activities is very broad.

To maintain the quality of our services and the efficiency of our interventions, it is important that the members of the OMBUDSMAN DE MONTRÉAL team keep up to date and maintain continued training, more particularly with regards to subjects concerning commitments taken in the *Montréal Charter of Rights and Responsibilities*. Specific efforts will be made to this effect, in 2007.

C. WEB SITE

The OMBUDSMAN DE MONTRÉAL Web site was put online in 2004 and various updates were made. Since 2006, however, the *Montréal Charter of Rights and Responsibilities* has greatly widened the scope of our mandate and many comments have been submitted to us asking for more information on our mandate, on the charter and on the specific nature of our interventions.

In 2007, the OMBUDSMAN DE MONTRÉAL team will proceed to a more exhaustive review of the information available on its Web site and will add new relevant one to help citizens better understand this exceptional service.

D. INFLUENCE OF THE OMBUDSMAN DE MONTRÉAL

In 2007, the OMBUDSMAN DE MONTRÉAL will pursue her efforts to make the existence of her office still better known and to facilitate the access to her service, notably via:

- An increased participation to general public activities;
- A pamphlet in “Simplified Language” dedicated to people with intellectual limitations as well as those who do not master the French language;
- Numerous meetings with community groups and with ethno-cultural community representatives;
- Participation to different events promoting citizens’ rights and democracy, including the *Semaine sur les droits humains et la mondialisation* organized by the Gérald-Godin College and the *Forum sur la participation* organized by the *Chantier sur la démocratie*;
- Increased 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 even more managers, elected officials and municipal employees:

- Know and understand better the services she offers;
- Understand that her interventions are a helpful tool which can help them identify, but mostly, resolve problems or difficulties which could arise within their department or borough;
- Are better informed in regards to the *Montréal Charter of Rights and Responsibilities*; and
- Adhere to the commitments that are contained in it.

The OMBUDSMAN DE MONTRÉAL will also continue to share her experience with any and all organizations who wish to draw from it and she will offer her complete collaboration to any other city who is considering offering an ombudsman service to its citizens, the whole, in view of prompting, like we are:

“Promoting respect; Ensuring equity”.

V MONTRÉAL CHARTER OF RIGHTS AND RESPONSIBILITIES

V MONTRÉAL CHARTER OF RIGHTS AND RESPONSIBILITIES



A. REPORT OF OUR 2006 CHARTER ACTIVITIES

On January 1, 2006, the new *Montréal Charter of Rights and Responsibilities* came into effect. It is a unique document which does not seem to have any comparable in any other city in the world. Moreover, UNESCO is greatly interested in the document.

This by-law, binding on all employees and elected officials of Ville de Montréal, foresees, as a sole remedy, the recourse to the **OMBUDSMAN DE MONTRÉAL**. Our jurisdiction was widened by this charter, notably, in that the **OMBUDSMAN DE MONTRÉAL** can now intervene with regard to decisions duly approved by a Conseil d'arrondissement, the Comité exécutif or by the Conseil de la Ville de Montréal, if the case is based mainly on this charter.

When analyzing the requests submitted to her, the **OMBUDSMAN DE MONTRÉAL** must take into account the commitments contained in the new *Montréal Charter of Rights and Responsibilities* and she must also interpret all other municipal by-laws in a manner consistent with the said charter.

Promoting the charter

The civil society quickly became interested in this new legislation.

As early as 2005, the **OMBUDSMAN DE MONTRÉAL** was solicited by community and ethno-cultural organizations and university groups, to participate in activities intended to better make it known. In 2006, the **OMBUDSMAN DE MONTRÉAL** pursued her activities of promotion and demystification of the charter, for one, by giving conferences and by participating in numerous discussion panels on its content and scope. The **OMBUDSMAN DE MONTRÉAL** maintained her collaboration with SodecM in its broadcasting activities aiming at making the charter known to a great number of organizations and citizens.

Ms. Savard also participated in workshops and discussions with municipal employees designated as "Charter Respondents", for their borough or department. These employees are responsible, among other things, for coordinating the broad-

casting of the charter and to intervene, when the need arises, to ensure the adequate treatment of citizens' requests when a charter commitment is at stake.

Promoting the charter within the boroughs

One of the first files we handled under the *Montréal Charter of Rights and Responsibilities* clearly showed that the understanding of the nature and impact of this new document, within the City, is to be improved.

The **OMBUDSMAN DE MONTRÉAL**, therefore, offered all Directeurs d'arrondissement and Conseils d'arrondissement to meet with them to share her first experiences of "Charter files", discuss the difficulties encountered and reiterate that, in regards to complaints concerning the charter, the **OMBUDSMAN DE MONTRÉAL** can henceforth intervene in respect to decisions voted by councils. Similar comments were also submitted to members of the Comité exécutif and of the Conseil de la Ville de Montréal.

Generally, the invitation was well received and, as of December 31, 2006, 15 of the 19 boroughs had been met. The **OMBUDSMAN DE MONTRÉAL** reminded to the participants the statutory nature of the document and sensitize the managers and the elected officials on the importance of developing a "Charter reflex" in their decision process, as well as taking measures to ensure that there is no conflict between this charter and other pre-existing municipal by-laws.

Unfortunately, some boroughs have not yet responded to this invitation:

- Mercier-Hochelaga-Maisonneuve;
- Rivière-des-Prairies-Pointe-aux-Trembles;
- LaSalle; and
- Ville-Marie.

Impact of the charter on the requests submitted to the OMBUDSMAN DE MONTRÉAL

The *Montréal Charter of Rights and Responsibilities* contains commitments in matters of:

- Democracy and citizens' increased participation;
- Better representation within municipal institutions;
- Equality for men and women;
- Inclusion and Non discrimination;
- Environment and Recycling;
- Sustainable development;
- Protection of the built heritage, cultural heritage and natural heritage;
- Safety, especially that of women;
- Universal accessibility;
- Access to recreation, culture and libraries;
- Evolution of services; and
- Much more.

The great majority of these commitments deal with subjects which could previously be handled by the OMBUDSMAN DE MONTRÉAL under the *By-Law concerning the ombudsman*, but previously, these files could only be looked at under the criteria of legality, reasonability, justice and equity whereas now, some commitments are legally binding under the charter.

In other words, very few requests are "purely charter" files, i.e. files regarding subjects we could not have examined before. The main exceptions to this comment are requests to contest a decision or a resolution voted by a Conseil d'arrondissement, the Conseil de la Ville or the Comité exécutif: as previously mentioned, before the charter, the OMBUDSMAN DE MONTRÉAL could never look into such matters. This type of request, however, remains exceptional.

Notwithstanding the above, the *Montréal Charter of Rights and Responsibilities* has, nonetheless, an important impact when municipal practices or policies are targeted by a new commitment contained in the charter. As a result, solutions to a problem that we previously presented as "desirable" can now be impossible to get around in order for the City to respect its charter commitments.

During the year 2006, 36 requests concerned commitments found in the new *Montréal Charter of Rights and Responsibilities*: the investigations related thereto were more complex and the delays slightly longer. This situation can be explained, in part, by the fact that the broadcasting of the new charter was just beginning and that, consequently, many City representatives were not aware of its compulsory character and of its scope.

Moreover, when decisions voted by a Conseil d'arrondissement or by the Comité exécutif were contested, we had to ensure we fully understood the different points of view and the analysis that preceded the decision including, where applicable, dissident opinions. The treatment of such files was, therefore, much longer.

You will find, hereafter, statistical tables providing more information on the nature and the entities targeted by "Charter files", in 2006, as well as on the delays it took to handle them. We also prepared summaries of some of these cases: in some instances, the City had to improve or modify a practice or a decision, in whole or in part, while in other files, we concluded that the City's commitments had been respected, which we explained to the citizen concerned.

B. EXAMPLES OF CHARTER FILES HANDLED IN 2006

Parc Angrignon's forest

Following an investigation conducted in 2005, in another file, the OMBUDSMAN DE MONTRÉAL pursued her analysis on the question of maintenance of the Parc Angrignon's forest. The experts she had consulted had unanimously recognized the importance of applying measures allowing for the re-naturalization and natural regeneration of Parc Angrignon's forest. In light of the above, the OMBUDSMAN DE MONTRÉAL issued a RECOMMENDATION, in that regard, in 2006.

Notably, the OMBUDSMAN DE MONTRÉAL recommended that: (i) there no longer be any human intervention or reaping operations for esthetic purposes, in the Parc Angrignon's forest; and (ii) there no longer be human interventions or reaping operations in Parc Angrignon's forest except to eradicate buckthorn, remove a nuisance which threatens the safety of people or buildings, or for the annual or biannual pick-up of rubbish.

This RECOMMENDATION was based, more particularly, on the new *Policy on the protection and enhancement of natural habitats* adopted in 2004, the new *Heritage Policy*, adopted in May 2005, and the *Montréal Charter of Rights and Responsibilities*, which is binding on all central departments, all boroughs and all elected officials, and which states that:

Section 20 a): "[...] Ville de Montréal *is committed to* [...] *tak(e) appropriate measures to preserve, protect, and present the cultural and natural heritage* [...];"

and

Section 24 f): “[...] *Ville de Montréal is committed to [...] promot(e) the protection and the enhancement of natural environments and urban woods.*”

The RECOMMENDATION was forwarded to the Directeur d'arrondissement Le Sud-Ouest, the Directeur d'arrondissement de LaSalle as well as the Directrice générale adjointe of Service du développement culturel, de la qualité du milieu de vie et de la diversité ethnoculturelle.

Service du développement culturel, de la qualité du milieu de vie et de la diversité ethnoculturelle and Arrondissement Le Sud-Ouest accepted the RECOMMENDATION of the OMBUDSMAN DE MONTRÉAL without any reserve. But, unfortunately, Arrondissement de LaSalle refused to comply with it.

Instead, the Conseil d'arrondissement de LaSalle adopted a resolution, in May 2006, to request maintenance activities from the concerned instances, three times per year, on a 10 meter wide strip bordering Parc Angrignon's fence on the side of rue Baxter and in the appropriate zones along boulevard de La Vérendrye, in order to improve the quality of life and the safety of the park's neighbours.

The OMBUDSMAN DE MONTRÉAL, therefore, submitted the matter to the Comité exécutif of Ville Montréal and solicited its support.

We were informed that the City did not proceed to any of the broad maintenance work requested by Arrondissement de LaSalle and that, in spite of the borough's refusal, our RECOMMENDATION is applied.

We will continue to follow through on this file and have requested Arrondissement de LaSalle as well as the Comité exécutif to inform us quickly, if the current situation was to change.

Festiblues

A citizen requested that the OMBUDSMAN DE MONTRÉAL intervene so that Festiblues be moved to another borough: he no longer wanted to undergo the annoyance resulting thereof. He was alleging, among other things, the *Montréal Charter of Rights and Responsibilities* and, more particularly, the commitments therein to *limit the irritants resulting from excessive noise and traffic*.

The citizen was complaining of the noise during shows and sound tests, of the dirtiness of the site, of the presence of broken glass, of the behavior of the public attending the festival, of increased traffic as well as of the fact that, during an entire week, the residents of Arrondissement d'Ahuntsic-Cartierville were deprived from access to Parc Ahunstic.

We discussed this file with the Directeur d'arrondissement and representatives of the local police station as well as with members of the Board of directors of *Festiblues*. We also went on site, to visit Parc Ahuntsic.

Our investigation revealed that, since 2003, various measures had already been taken to reduce the irritants caused by this festival, for nearby citizens: speakers were reoriented in a direction opposite to the houses and noise measurements are regularly taken to ensure that the levels reached, during the shows, remain acceptable. No glass bottles are tolerated on the festival site: spectators' bags are searched when they enter and all glass containers are immediately confiscated.

Festiblues lasts four days but two additional days are necessary for the set-up and the dismantling of the equipment. During this time, two thirds of the park is reserved to this activity, but the remaining third stays accessible at all times, for all citizens.

Festiblues was initiated by a team of social workers, working with the youth in the area. This “social economy” enterprise reserves a preponderant place to the youth and family. In addition to offering the opportunities of a musical contest to young artists, it allows teenagers and children of the district to participate in different activities adapted to their age.

Festiblues hires 150 youths of the borough, some having had a difficult path, and it offers them work experience, in a renowned professional setting.

The entrance fee is minimal but spectators are invited to make a donation. To this day, over \$120,000 were so raised and given to local community organizations. A survey conducted in 2005 with festival attendees confirmed that approximately 50% of the participants live in Arrondissement d'Ahuntsic-Cartierville.

The citizen alleged the *Montréal Charter of Rights and Responsibilities*, but this charter also contains a commitment to *Promote the assumption by citizens of their environment in view of eliminating poverty and social exclusion* (section 18 e). There was, therefore, a need for us to balance this citizen's rights and the rights of the community.

In light of all of the above and considering that the borough and the *Festiblues* managers have always collaborated extensively to limit, as much as possible, the irritants resulting from this festival, the OMBUDSMAN DE MONTRÉAL concluded that it was not appropriate for her to recommend that this festival, which the citizens of the borough have an opportunity to attend at a minimal cost, be moved to another location.

As well as maintaining the improvements made since 2003, in the organization of the festival, the **OMBUDSMAN DE MONTRÉAL** has, however, obtained from the *Festiblues* administrators an additional commitment that, starting in 2006, the afternoon sound testing periods be shortened, which was done.

Reconciling protection of shorelines and Economic development

Citizens addressed themselves to the **OMBUDSMAN DE MONTRÉAL** to contest a resolution of the Comité exécutif by virtue of which part of the *Rapides du cheval blanc* territory would lose its status of an ecoterritory which Ville de Montréal could not alienate. The citizens submitted this resolution went against commitments found in the *Montréal Charter of Rights and Responsibilities*.

The **OMBUDSMAN DE MONTRÉAL** discussed this situation at length with the citizens concerned and she also went on location, with the deputy ombudsman, to visit the area and discuss their concerns. On the other hand, she requested relevant information from elected officials and municipal representatives responsible for this file and she analyzed the numerous documents relating thereto.

The contested resolution had been voted to allow the execution of an agreement which had been reached in 2001, between a contractor and the former Ville de Pierrefonds: Pierrefonds had then committed to exchange municipal land located approximately 75 meters away from des Prairies river with lands located directly on the bank of the river which belonged to the said contractor.

Our investigation confirmed that, in 2001, Pierrefonds had indeed concluded such an agreement with the contractor who was planning a residential project, on the said municipal land. At the time, the project was for approximately 650 condos, in high residential towers: the project respected the applicable municipal by-laws and, therefore, the City did not have to open a register or proceed with a referendum.

It was a long while, however, before the project took form. Among other things, this delay can be explained by the 2002 municipal mergers, by the important transition period which followed and also, by the fact that contaminants were later discovered on the municipal land that was to be yielded to the contractor: the said land had previously been used as a snow deposit site. Negotiations were, therefore, undertaken as a result of which the contractor undertook to take on the responsibility of decontaminating the land, which was since done.

On the other hand, the concerns raised by many citizens were noted by the borough and led to numerous modifications of the project:

- At the request of the borough, experts identified which parts of the territory are critical to the protection of biodiversity and of the environment, as well as buffer zones and passage zones which also need protection: no construction will be permitted in any of these zones;
- A swamp located on the project's initial site will also be protected;
- The borough worked with the contractor to modify the project with a view to integrate it better to its location: of the 650 units initially planned in high residential towers, the project has been reduced to 250 units, in much smaller buildings; and
- The total surface of the construction site has also been reduced substantially.

We also reviewed the Arrondissement de Pierrefonds-Roxboro's global plan for the development of the borough, which includes a project to create a park and a cycling path on the shores of des Prairies river, in the area concerned herein. Such a project would ensure the citizens' access to the banks of the river, but to realize it, the borough must acquire bordering lands which are presently privately owned. The piece of land which the borough acquired from the contractor, through the land exchange under study, is consistent with this plan.

In our opinion, the setting up of a park and of a cycling path, in this area, is consistent with the City's commitment to *promote access to the City's shorelines and green spaces* found in the *Montréal Charter of Rights and Responsibilities*.

In addition to the fact that the resolution contested herein was to ensure the execution of an agreement which had been reached in 2001, before the municipal mergers and way before the *Montréal Charter of Rights and Responsibilities*, the **OMBUDSMAN DE MONTRÉAL** concluded that the construction project, as modified, was also consistent with the *Montréal Charter of Rights and Responsibilities* which, in its section 24 b), confirms Ville de Montréal's commitment to *reconciliate protection of the environment and economic development*.

In the course of our intervention, however, we noted that the citizens' dissatisfaction resulted greatly from the fact that little information had been communicated to them by the borough, with regard to this project and mostly, with regard to its evolution. Following our intervention, the borough agreed to meet with members of the Green Coalition, which include the citizens who had requested our intervention, to discuss the "new" project and the environment protection measures that were added to it.

Heavy trucks generating major vibrations

A citizen complained of strong vibrations in her residence, due to the intense traffic of heavy trucks on an overpass, near her home.

When investigating this file, the OMBUDSMAN DE MONTRÉAL considered Ville de Montréal's commitment stated in section 24 g) of the *Montréal Charter of Rights and Responsibilities*, to:

"[...] tak(e) measures to reduce abusive irritants resulting from noise and traffic [...]".

Our investigation showed that the problem was not caused only by the frequent passing of heavy trucks on the overpass concerned, but also by the advanced degradation of its pavement.

Following our intervention, Arrondissement de Mercier-Hochelaga-Maisonneuve prohibited the passing of heavy trucks on the aforementioned overpass: the trucks were redirected to another road, which significantly reduced the irritants resulting from this traffic. This diversion of the truck traffic is still in effect. Moreover, in May 2006, the City proceeded to major restoration repairs of the pavement.

Once the work was complete, a City inspector measured the intensity of the vibrations in the area and his study confirmed that the vibrations resulting from traffic had been reduced by 90% overall, whereas vibrations of major amplitude, comparable to small earthquakes, were completely eliminated.

The citizen confirmed her complete satisfaction towards the results obtained by the OMBUDSMAN DE MONTRÉAL.

Court fees added to fines: citizens better informed

A citizen complained that the information provided by Cour municipale de Montréal, with regard to the contestation of *Statements of offence*, was incomplete. More specifically, he emphasized that the notices he had received did not inform him that, if he pleaded not guilty but lost before the court, additional fees could be added to the fine. The citizen submitted that if he had known of the existence and the importance of these fees, it might have influenced his decision to contest the statement he had received. Indeed, these additional fees, which are provided for in a provincial decree, the *Tariff of court costs in penal matters*, can be rather high.

We looked into this case keeping in mind section 16 a) of the *Montréal Charter of Rights and Responsibilities* where is stated the City's commitment to *provide citizens with useful and clearly formulated information*.

The Cour municipale de Montréal was already pondering the opportunity to include the *Tariff of court costs in penal matters* on its Web site and, following the intervention of the OMBUDSMAN DE MONTRÉAL, this was done without further delay.

We also suggested that the wording of the notices forwarded to defendants should be modified, so as to ensure they better understand that court fees could be added and the fact that additional information in this regard can be found on the court's Web site: the Cour municipale modified its notices accordingly.

The intervention of the OMBUDSMAN DE MONTRÉAL lead to better and clearer information to defendants, allowing them to take a more enlightened decision when registering their plea.

Investigation procedure at Cour municipale de Montréal

A citizen requested the intervention of the OMBUDSMAN DE MONTRÉAL as he was not satisfied with the quality of the "investigation" made by Cour municipale de Montréal, following his not guilty plea. He submitted that, as a result, he had to go to court to submit his evidence once more, which lead to his acquittal from the parking offence he had been charged with.

According to the citizen, the facts were clear and if the "investigation" done by Cour municipale had been thorough, he would not have had to waste his time to go to court.

Our investigation revealed, however, that the procedure the citizen was referring to is not an "investigation" in the usual sense of the word, but only a basic administrative verification of the information already in the City's files. Such verification can lead to a recommendation to pursue or to drop the charge, but not to an acquittal: only the Court has that power.

During the said "verification", the court's employees must rely on the information found in the municipal records and they cannot verify whether or not the said information is complete or up-to-date; they do not go on site nor do they interrogate any person.

In the present case, the parking prohibition which the citizen had been accused of violating had recently been abolished but, unfortunately, this change had not yet been registered in the City's records. At the time of the internal "investigation", therefore, the Cour municipale employee could not confirm if the information submitted by the citizen was true, which is why he recommended that the charges be maintained.

The **OMBUDSMAN DE MONTRÉAL** made her intervention on the basis of section 16 a) of the *Montréal Charter of Rights and Responsibilities* in which the City commits to *provide citizens useful and clearly formulated information*.

She made the Cour municipale aware of the confusion caused by use of the word “investigation” in their documents to the defendants. The Cour municipale accepted our comments and modified accordingly its documents.

The title of the documents previously named “*Investigation Response*” was changed to “*Notice to continue proceedings*” or “*Notice of withdrawal*”, as the case may be. Moreover, in the body of the texts, the term “investigation” has been replaced by “administrative verification”.

Thanks to these changes, citizens will no longer be led to believe that Cour municipale de Montréal is conducting a thorough investigation of the explanations they may submit, in support of their plea.

First interim recommendation – Cutting down of trees

A citizen requested the intervention of the **OMBUDSMAN DE MONTRÉAL** to prevent the cutting down of mature trees on her neighbour’s property, behind her backyard. At the time of the request, the neighbour had already obtained a permit authorizing him to cut down these trees.

The citizen contested the legality of this permit, under the municipal statutes, notably, the new *Montréal Charter of Rights and Responsibilities*. She was also seeking our opinion as to the reasonable or unreasonable character of the borough’s decision to issue this permit.

If we were to conclude that the permit should not have been granted, however, the trees would have already been cut down, by the time we reached our conclusion.

Given these exceptional circumstances, the **OMBUDSMAN DE MONTRÉAL**, issued, for the first time, an **INTERIM RECOMMENDATION** asking Arrondissement de Côte-des-Neiges–Notre-Dame-de-Grâce to temporarily suspend the permit which had been issued and to take appropriate measures to prevent the cutting down of these trees, while we were looking at the situation.

Our office had committed to act very quickly in this file and we had even confirmed to the borough that, as soon as it would have forwarded to us the relevant information we asked, we would issue our final conclusions or recommendations in no later than one week’s time.

Unfortunately, the borough did not agree to follow through with our **INTERIM RECOMMENDATION** because, in its opinion, it did not have the power to suspend a permit which had already been issued.

Notwithstanding this negative first response, the **OMBUDSMAN DE MONTRÉAL** still believes that issuing **INTERIM RECOMMENDATIONS** is a path she must continue to explore when circumstances are such that, if the borough or department waits until the end of her investigation before it takes any action, it may then be too late for her **RECOMMENDATION** to be useful.

We must, however, make the municipal representatives more aware of the appropriateness of such **INTERIM RECOMMENDATIONS**, in the best interest of citizens. We will also emphasize on how such an approach may also be beneficial to the City, by limiting the risks of having to later redress or compensate for a situation which could have been illegal or inappropriate.

As to the merit of the case, i.e. the appropriateness of the permit to cut down these specific trees, our investigation revealed that:

- The trees concerned were of a species of little value;
- Some of the trees concerned were sick and old and were likely to represent a hazard, in a short term;
- The permit had been issued in conformity with the *Land Planning By-law*;
- The managers in charge had thoroughly studied the application in light of the various policies ensuring the protection of trees; and
- In the present instance, the decision to allow the cutting down of these trees was not unreasonable.

On the other hand, it soon became clear, during our investigation, that the borough knew little of the *Montréal Charter of Rights and Responsibilities* and of its legal status i.e. the fact that it is **a municipal by-law which is binding** on all municipal employees and elected officials. This file provided opportunity to better inform the representatives of Arrondissement de Côte-des-Neiges–Notre-Dame-de-Grâce of this new document and on their legal duty to consider the commitments therein.

Recycling in buildings of more than 8 dwellings

In the spring of 2006, a citizen requested our intervention to contest the fact that, in Arrondissement de Pierrefonds–Roxboro, the buildings with more than 8 dwellings did not benefit from municipal recycling programs. This request was

based on section 24 a) of the *Montréal Charter of Rights and Responsibilities* in which Ville de Montréal committed to *promote waste reduction, re-use and recycling*.

Our investigation confirmed that, in 6 boroughs of Montréal, recycling was not offered to buildings of 9 dwellings or more: Lachine, L'Île-Bizard–Sainte-Geneviève, Montréal-Nord, Pierrefonds–Roxboro, Saint-Laurent and Saint-Léonard. We discussed this situation with municipal representatives who explained that this situation was due, mainly, to the lack of funds.

After her intervention, the **OMBUDSMAN DE MONTRÉAL** received confirmation that Ville de Montréal was working on a project aiming to improve the collection of recyclable materials in apartment buildings. Resolutions were in the process of being prepared for approval by the Conseil de la Ville and the Conseil d'agglomération, with regard to:

1-Provide to buildings of more than 8 dwellings, recycling containers for paper, glass, plastic and metal in sufficient number given the number of dwellings in the said building; and

2-Additional funding, for this purpose.

As to Arrondissement de Pierrefonds–Roxboro, until recycling containers are made available in each apartments building, it has installed three recycling bells on its territory, where citizens can bring their recyclable materials. The borough also committed to progressively implement an *Éco-quartier* program.

In light of the above, the **OMBUDSMAN DE MONTRÉAL** ended her intervention in this particular file while maintaining regular follow-ups on this recycling issue.

The Comité exécutif of Ville de Montréal has, since, approved that 2 million dollars to be spent, over a 2 year period, to promote more specifically recycling in buildings of 9 dwellings or more.

As to the Pierrefonds–Roxboro *Éco-quartier* program, it should be submitted to the Conseil d'arrondissement in early 2007 and, if all goes according to plans, buildings of more than 8 dwellings located in the borough should benefit from a recycling collection service, as soon as 2008.

Impact of a terrace with music on neighbouring residents

A citizen addressed himself to the **OMBUDSMAN DE MONTRÉAL** to contest the fact that a neighbouring bistro had obtained, from Arrondissement de Ville-Marie, a special authorization allowing to increase the size of his terrace and to broadcast acoustic music outdoor, whereas municipal by-laws normally prohibit it. The citizen did not want to suffer, as in the previous year, from sound of musicians or singers performing on the said terrace.

This terrace is located in Vieux-Montréal, where businesses and residences must co-habit. A condo building located directly behind it has many windows overlooking the said terrace, including some bedroom windows, as in the case of the citizen who had submitted this request to our office. Noises from the terrace can, therefore, affect the quality of life of these neighbouring residents.

Section 24 g) of the *Montréal Charter of Rights and Responsibilities* states that the City commits to *take measures to reduce abusive irritants resulting from noise*.

The **OMBUDSMAN DE MONTRÉAL** conducted an exhaustive investigation. It was, indeed, important that we understood properly the different points of view of all, i.e. the citizen, the owner of the terrace and the borough. We visited the citizen's condo to listen to the noise from the terrace, and also spent time on the terrace, during a busy period.

Our investigation confirmed that at the beginning of the year 2006, the Conseil d'arrondissement had granted a derogation to the owner allowing him to install additional tables in an area which served previously as a "buffer zone" between the terrace and the condos, and authorizing him to broadcast acoustic music.

The Maire d'arrondissement confirmed that, at the time this decision was taken, the council had not given any consideration to the new commitments of the *Montréal Charter of Rights and Responsibilities*. This oversight did not seem to testify to bad faith, but rather to the fact that these municipal councillors were not aware of the said commitments, more specifically, of section 24 g).

This intervention, therefore, provided an opportunity to remind these elected officials and the Directeur d'arrondissement of the statutory nature of the *Montréal Charter of Rights and Responsibilities* and the fact that the commitments it contains are binding them.

We then worked with the borough to ensure that the derogation they had granted be interpreted and applied in conformity with the commitment contained in section 24 g) of the charter. There were many discussions with the Directeur

d'arrondissement as well as with the Attaché politique of the Maire d'arrondissement to explore how they could better protect the quality of life of the neighbouring residents, while respecting the new rights granted to the terrace owner.

The cohabitation of residents and businesses necessarily brings forth constraints, on both sides. It was therefore necessary to look for the correct balance between the rights and responsibilities of each, in this particular context. The borough confirmed its commitment to fully collaborate and to take adequate measures to ensure such balance.

The **OMBUDSMAN DE MONTRÉAL** is still waiting for the official confirmation, from Arrondissement de Ville-Marie, of the measures that will actually be implanted, but according to the numerous discussions we had, these measures should be to the following effect:

- The borough should define more precisely the extent of the bistro's right to broadcast soft acoustic ambiance music on its terrace. Such music should only come from a radio or another sound system. At the time of our visit, we did observe that soft ambiance music can cover the noises of utensils, dishes and of patrons' discussions and, therefore, it does not appear problematic;
- This ambiance music should never exceed acceptable noise levels which must be clearly defined and explained to the owner, in order for him to ensure its respect. The maximum sound levels permitted should reasonably protect the quality of life of neighbouring residents;
- The borough should take appropriate measures to ensure the permitted sound levels are not exceeded;
- The speakers located on the terrace should be oriented towards the street, and not towards the walls of neighbouring buildings;
- The borough should not allow "live" shows on the terrace, whether with bands, musicians or singers;
- If "live" shows are presented inside the bistro, they should not be broadcasted on the outside terrace.

Considering the commitments given by the Directeur d'arrondissement, we did not issue a formal **RECOMMENDATION**, for the time being. Our past experience with this borough is that it usually respects the commitments it takes towards our office. We will, nonetheless, continue to follow this file closely, until its final resolution.

C. STATISTIC TABLES – CHARTER FILES

Table 15

Requests falling under the Montréal Charter of Rights and Responsibilities

Subject	Sub-category	Number
Environment and Sustainable Development		
	Application of by-laws	1
	Environment / Sustainable development	1
	Garbage / Recycling	1
	Noise	7
	Nuisance	11
	Parks and Green spaces	2
	Taxi	1
	Traffic	3
	Tree	1
	Zoning / Urban planning / Exemption	1
	Sub-total	29
Security		
	Cycling path	1
	Sub-total	1
Municipal Services		
	Sports and leisure	1
	Sub-total	1
Democracy		
	Decision of the Comité exécutif	1
	Municipal court	3
	Zoning / Urban planning / Exemption	1
	Sub-total	5
	TOTAL	36

Table 16

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

Borough	Subject	Sub-category	Number
Ahuntsic – Cartierville (Administration)	Environment and Sustainable Development	Application of by-laws	1
		Noise	1
Ahuntsic – Cartierville (Conseil arr.)	Environment and Sustainable Development	Noise	1
	Democracy	Zoning /Urban planning / Exemption	1
	Total		4
Anjou (Administration)	Environment and Sustainable Development	Noise	2
		Traffic	1
Total		3	
Côte-des-Neiges – Notre-Dame-de-Grâce (Administration)	Environment and Sustainable Development	Noise	1
		Parks and Green spaces	1
		Tree	1
Total		3	
LaSalle (Administration and Conseil arr.)	Environment and Sustainable Development	Parks and Green spaces	1
		Total	1
Le Sud-Ouest (Administration)	Environment and Sustainable Development	Parks and Green spaces	1
		Total	1
Mercier – Hochelaga-Maisonneuve (Administration)	Environment and Sustainable Development	Noise	1
		Traffic	1
		Total	2
Montréal-Nord (Administration)	Municipal Services	Sports and leisure	1
		Total	1
Pierrefonds – Roxboro (Conseil arr.)	Environment and Sustainable Development	Garbage / Recycling	1
		Total	1
Rosemont – La Petite-Patrie (Administration)	Environment and Sustainable Development	Noise	1
		Rosemont – La Petite-Patrie (Conseil arr.)	Security
Total			2
Verdun (Administration)	Environment and Sustainable Development	Nuisance	10
		Total	10
Ville-Marie (Conseil arr.)	Environment and Sustainable Development	Nuisance	1
		Total	1

Table 16 (continued)

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

Borough	Subject	Sub-category	Number
Villeray–Saint-Michel–Parc-Extension			
(Administration)	Environment and Sustainable Development	Taxi	1
	Total		1
All boroughs			
(Conseils arr.)	Environment and Sustainable Development	Zoning / Urban planning / Exemption	1
	Total		1
Central Department			
Développement culturel, qualité du milieu de vie et diversité ethnoculturelle			
(Direction des sports, loisirs, parcs et espaces verts)	Environment and Sustainable Development	Parks and Green spaces	1
	Total		1
Infrastructures, transport et environnement			
(Direction de l'ingénierie de voirie)	Environment and Sustainable Development	Traffic	1
	Total		1
Affaires corporatives			
(Direction des affaires pénales et criminelles)	Democracy	Municipal court	3
	Total		3
Political entity			
Comité exécutif			
	Democracy	Decision of the Comité exécutif	1
	Environment and Sustainable Development	Environnement/ Sustainable development	1
	Total		2

Table 17

Final settlement or final response period
("Charter files")

	1 to 2 working days	2 months	3 months	4 months	5 months or more	Files still pending as of January 1, 2007	TOTAL
2006	1	15	6	1	4	9	36
%	2.78	41.66	16.67	2.78	11.11	25.00	100%

N.B. The 9 files still pending as of January 1, 2007 include:

- 1 file pending for 2 months;
- 3 files pending for 3 months;
- 1 file pending for 4 months;
- 2 files pending for 6 months;
- 1 file pending for 9 months; and
- 1 file pending for 10 months.

D. CHARTER RELATED ACTION PLAN FOR 2007

Pursuing the promotion and making the new *Montréal Charter of Rights and Responsibilities* better known, internally and by the general public, remains a major challenge for Ville de Montréal. The OMBUDSMAN DE MONTRÉAL will contribute towards this goal, as much as she can, by all possible means: she will make herself available for conferences, trainings, discussion panels or any other forum where this new charter will be promoted.

Inside our office, our team will continue its analysis of the City's commitments contained in the charter as well as of the citizens' responsibilities provided therein, so as to always ensure their interventions in relation to this charter will be as fruitful as possible.

The Montréal Charter of Rights and Responsibilities is a key element to Ville de Montréal's ongoing evolution and improvement of the quality of its relations with its citizens. We hope our interventions will contribute to put into concrete form the main goal sought by this charter, that is to be: *The key to living better together!*

We will constantly remind Ville de Montréal of its commitments, but will also work with citizens to make them aware of their responsibilities as well. Like in any type of relationship, citizens must work with Ville de Montréal to find balance between their respective rights and responsibilities.

E. CONCLUSION - CHARTER

As for any new legislation, the coming into effect of the new *Montréal charter of Rights and Responsibilities* requires an adaptation, for City representatives, for citizens, and even for the OMBUDSMAN DE MONTRÉAL team.

The implementation of this charter is an ongoing process. Our team will continue to adjust its procedures so as to take into account the new commitments contained therein and their impact on the nature of our interventions. We are confident that this process will go smoothly and that over the next few years, more and more elected officials, managers and employees will develop a "Charter reflex", in the performance of their duties.

As for the civil society, Montréal must pursue its efforts to make the *Montréal Charter of Rights and Responsibilities* better known, by more people.

There is no doubt that citizens are greatly interested by this new charter. All the groups, associations and persons we met who have had the opportunity to be informed on this new democratic tool are thrilled. The new commitments

contained in the charter and the fact the citizen can ask the OMBUDSMAN DE MONTRÉAL to ensure their respect are generally seen as new tool which contributes to participative democracy allowing citizens, case per case, to promote the constant improvement of municipal services and to obtain changes in municipal practices or policies, within Ville de Montréal.

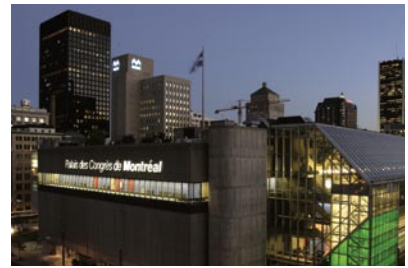
In the coming years, the notoriety of this charter will continue to grow and we can, therefore, reasonably foresee that the number of requests that we will be called to handle, based on this charter, should also increase significantly.

It is with this awareness of the impact the *Montréal Charter of Rights and Responsibilities* is likely to have, that the entire team of the OMBUDSMAN DE MONTRÉAL has entered into year 2007, under the theme:

"Promoting respect; Ensuring equity".



VI GENERAL CONCLUSION



The year 2006 was a good one for the **OMBUDSMAN DE MONTRÉAL** office. The number of persons who submitted their problem to our office continued to grow significantly (almost 3 times more than in 2005, almost 5 times more than in 2004, and almost 13 times more than in 2003), which confirms how important this exceptional service is, to more and more citizens.

In spite of the complexity of many questions submitted to us, the results were extremely positive and the delay for treating files remains exceptional: 90% of citizens who addressed themselves to us, in 2006, received a final response within one month or less.

Taking time to listen and showing empathy remain the keys to our success. Citizens appreciate the fact that they can explain their concerns, without us prejudging what will be relevant and what will not. They also like the fact that we do not show bias, one way or the other.

From time to time, we must remind people and reassure them about our independence and autonomy as well as the fact that we are totally apolitical. These characteristics reassure them, give them trust and have a positive impact on our credibility.

All of the people we deal with can count on the expertise, the diligence, the desire of doing good and the energy of the **OMBUDSMAN DE MONTRÉAL** team: each file is handled with great rigor, in search for justice and equity.

Our credibility with City representatives also continues to increase and, as a result, we are more and more able to amicably resolve many files in which a problem has been identified. Thanks to our interventions, many municipal policies or practices were changed to better recognize and protect citizens' rights.

In some cases, formal **RECOMMENDATIONS** must be issued but even then, the acceptance rate remains very high. Over 90% of the **RECOMMENDATIONS** issued by the **OMBUDSMAN DE MONTRÉAL** are, indeed, implemented by Ville de Montréal.

The **OMBUDSMAN DE MONTRÉAL** also serves to improve the mutual understanding of citizens and City representatives. Many of her interventions lead to a better synergy between City representatives and citizens, by making each better aware of the other's expectations and constraints. Municipal employees and elected officials realize more and more how our team can serve as an exceptional tool which helps them fulfill their ultimate mandate, that is: to offer the best possible services to all Montrealers.

We are entering 2007 with the same enthusiasm and the same desire to contribute to make this City a better place to live and to increase the mutual respect between citizens and City employees. We will, therefore, pursue our constant efforts in order for our City to be a place where we can easily be:

"Promoting respect; Ensuring equity".

These words are not only our 2007 theme; they are the expression of essential values that we eagerly defend, on a daily basis, in the best interest of the citizens and of Ville de Montréal.

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 regarding alleged acquired rights for uses or constructions which became derogatory.

Alley

Requests regarding the cleanliness of alleys; the traffic or the safety in alleys; requests regarding illegal encroachments or acquisition of municipal alleys.

Animal

Requests regarding barking; too many animals in a dwelling; the prohibition to walk dogs in parks; euthanasia orders; excrements not picked up; rats; problems related to pigeons, squirrels, gulls or stray cats; complaints against horse carriages; etc.

Application of by-laws

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

Aqueduct / Sewer

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

Communications

Requests regarding language issues; Ville de Montréal Web sites; services provided by Accès Montréal.

Cycling path

Requests regarding the maintenance, the implementation or the irritants caused by cycling paths.

Driveway entrance

Requests regarding the construction or the closing down of a driveway entrance.

Environment / Sustainable development

Requests regarding 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; revision requests; payment delays; requests for reimbursements; duties on transfers of immovables; agreement; etc.

Fence

Requests regarding the by-laws concerning fences and hedges.

Fire / Public safety

Requests regarding Service de sécurité incendie de Montréal's inspections; emergency exits in a building; safety in public places ; etc.

Garbage / Recycling

Requests regarding types of collection; storage of garbage; recycling bins; etc.

Handicapped person

Requests regarding the services provided or not to handicapped persons.

Human rights

Complaints of alleged discrimination for reasons protected by charters.

Municipal court

Requests regarding the wording of court documents; rules of practice; general functioning; status of a specific file; etc.

Noise

Requests regarding the by-laws concerning noise and the treatment of complaints.

Nuisance

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

Parking / SRRR / Vignettes

Requests regarding parking prohibitions; implementation or withdrawal of SRRR zones (street parking reserved for residents); issuing of parking permit; parking meters; municipal parking lots.

Parks and Green spaces

Requests regarding cleanliness; public safety; games and equipment; events held; protection of natural heritage; etc.

Permit

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

Pound (other)

Requests regarding the storage of vehicles; public auctions; goods lost or damaged; etc.

Pound (storage of furniture)

Requests from citizens having financial difficulties who were evicted from their dwelling and whose belongings are stored at the City pound: requesting a reduction of fees or a delay to recover their goods.

Public health

Requests regarding the by-laws concerning dirtiness of dwellings or businesses.

Road works / Public works

Requests regarding maintenance and repairs of streets and sidewalks; street lights network; traffic lights; graffiti; street line markings; removed lid over draining traps; various collections (excluding garbage and recycling) such as: leaves, Christmas trees, cumbersome objects, etc.

Snow removal

Requests regarding the process or schedule of snow removal; problems encountered during snow removal; etc.

Social housing / HLM / Housing subsidies

Requests regarding waiting lists for HLM; SHDM's or OMHM's tenant requests.

Sports and leisure

Requests regarding community gardens; sports centers; sports fields; public pools; including access and functioning rules.

Subsidy other than housing

Requests regarding all subsidy programs provided by Ville de Montréal, except for housing among others, residential renovation, accession to property and 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 linked to the presence of taxi stands or to applicable rules to taxis.

Tenders

Requests regarding rejected tenders; too restrictive criteria; or biased proceedings.

Traffic

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

Tree

Requests regarding pruning, cutting down or planting of trees.

Zoning / Urban planning / Exemption

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



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
ville.montreal.qc.ca/ombudsman



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