

Maintaining the course

ON JUSTICE AND HARMONY

2008 Annual Report



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

April 27th, 2009

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

RE: Annual Report of the OMBUDSMAN DE MONTRÉAL for 2008
"Maintaining the course on justice and harmony"

Mr. Parent,

It is my pleasure to present to the City Council the 2008 Annual Report of the **OMBUDSMAN DE MONTRÉAL**.

Our 2008 theme "*Maintaining the course on justice and harmony*" reflected well our team's desire to pursue the efforts we have displayed since 2003, in order to offer the best possible service to the citizens who seek our assistance, as a last resort, to resolve their differences with Montréal municipal administration. The following information, which includes the summary of some cases we have handled, should allow you to better understand the type of interventions we have made during the year 2008.

In 2008, over 1700 persons solicited our help. We have conducted 289 thorough investigations, 41 of which related to the *Montréal Charter of Rights and Responsibilities*. A section of the present report is dedicated specifically to this Charter in regards to which the **OMBUDSMAN DE MONTRÉAL** offers the only recourse available to ensure its respect by all City representatives.

I remain at the disposal of the City Council to answer any question or to provide any additional information it may deemed relevant.

I trust the whole will be to your satisfaction,

Yours very truly,



Johanne Savard, Ombudsman of Ville de Montréal

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



TRAINING AND PROFESSIONAL EXPERIENCE

After her 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 and Canadian Bars since 1980.

Ms. Savard has completed numerous trainings in public administration at *École nationale d'administration publique de Montréal* (ENAP). She is also a "Certified mediator" recognized by the Québec Bar and by the *Institut de Médiation et d'Arbitrage du Québec*.

Ms. Savard was head of the Labour and Employment law group and member of the Board of Directors of a major law firm as well as 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 also chaired the *Women and the Law* Committee of this association.

In 2003, Ms. Savard left the private practice of law and became the first Ombudsman of Ville de Montréal. Along with her team, she has since offered to citizens, a free and accessible last resort recourse which allows them to obtain an independent assessment of their situation. When she deems it relevant, her interventions with municipal officials almost always lead to the resolution of the identified problems. In the fall of 2007, her mandate was unanimously renewed by Ville de Montréal City Council.

Ms. Savard is a member of the Forum canadien des Ombudsmans, the International Ombudsmans' Association, the International Ombudsmans' Institute, the Association des Ombudsmans et médiateurs de la francophonie and the Association des responsables de la gestion des plaintes du gouvernement du Québec.

EXPERTISE

Ms. Savard has solid experience in all fields related to employment law, human rights and fundamental rights protected by various charters. For over twenty years now, she has used alternative dispute resolution techniques and has always approached difficult situations with an eye for preventing conflict and/or finding practical and efficient solutions.

SOCIAL COMMITMENT

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

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

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

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

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

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

She was, from 2006 until 2008, member of the *Conseil des gouverneurs* of Resto Plateau.



II The OMBUDSMAN DE MONTRÉAL, in a nutshell

CREATION OF THE POSITION

The Montréal City Council created the **OMBUDSMAN DE MONTRÉAL** position at the request of citizens who had participated to the 2002 *Sommet de Montréal Workshop on democracy*. At the time, there was no equivalent position in any Canadian city. Ms. Savard is the first incumbent of the position and she began her functions in 2003.

MANDATE

The **OMBUDSMAN DE MONTRÉAL** is a **non political** and **impartial** entity, **independent** from the municipal administration and elected officials: she is responsible for ensuring that citizens receive the municipal services and advantages to which they are entitled and are treated fairly and equitably, with justice and respect, by Ville de Montréal employees and representatives.

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 a Ville de Montréal employee or representative (central departments and boroughs), a para-municipal agency or a City-controlled corporation.

The general mandate of the **OMBUDSMAN DE MONTRÉAL** is defined in the *By-Law concerning the ombudsman* which confirms its jurisdiction over most administrative Ville de Montréal's decisions. The Ombudsman also offers the only available recourse to ensure the respect of the values and undertakings found in the *Montréal Charter of Rights and Responsibilities*. Moreover, when a citizen's complaint is based mainly on this *Charter*, the **OMBUDSMAN DE MONTRÉAL** can even intervene in regards to decisions voted by the City Council, the Executive Committee or a Borough Council.

The **OMBUDSMAN DE MONTRÉAL** has broad investigation powers and City representatives must cooperate with her and her team.

Upon completion of an investigation, she may recommend any measure she deems appropriate: in the vast majority of cases, her **RECOMMENDATIONS** were accepted and implemented by the City.

Her interventions are essentially aimed at resolving the problematic situations she has identified, through negotiation, conciliation and mediation. If she does not receive a favorable response following a **RECOMMENDATION**, the Ombudsman can make a report to the Executive Committee, the City Council or the concerned Borough Council and request its support and intervention. She may also comment the situation publicly, if she deems it appropriate.

The **OMBUDSMAN DE MONTRÉAL** only acts as a last resort. Citizens who request her intervention, therefore, must have submitted beforehand the alleged problem to the concerned department or borough Director.

The **OMBUDSMAN DE MONTRÉAL** team is empathic, open and often innovative. Citizens who seek the **OMBUDSMAN DE MONTRÉAL**'s assistance are listened to with attention and their arguments are seriously and impartially considered. When she handles a file, she always acts without bias.

The **OMBUDSMAN DE MONTRÉAL** team, however, must abide by applicable laws: however, they are not bound by the City's "past or customary practices". They will consider the origin and reasoning behind these practices/procedures and their interventions sometimes create golden opportunities to update or modernize some municipal practices or procedures in effect for many years.

Through her interventions and investigations, the **OMBUDSMAN DE MONTRÉAL**'s emphasis is not so much on finding a guilty party but rather on finding satisfactory and viable solutions to whatever problem she has identified. Moreover, if after serious analysis, the **OMBUDSMAN DE MONTRÉAL** concludes that a situation alleged by a citizen does not require her intervention, proper explanations will be provided to the concerned citizen so that he understands the grounds of this conclusion.

The preventive and positive impacts of the **OMBUDSMAN DE MONTRÉAL**'s interventions are worth mentioning. The new measures implemented following her interventions often lead to the correction of a systemic problem and, therefore, prevent other citizens from facing similar difficulties.

The **OMBUDSMAN DE MONTRÉAL** does not have jurisdiction, however, over labour and employment matters or over activities or decisions of the Société de transport de Montréal. Her jurisdiction over the Service de police de la Ville de Montréal is also limited and she cannot intervene or investigate over peace officers' acts/behaviors. Moreover, she cannot take on complaints concerning City Councillors or any member of their cabinet.

MISSION

- To offer citizens an attentive ear and a new look at their situation, without bias.
- To make City representatives more aware of the impact of their decisions and actions on citizens.
- To rapidly identify problems and, if need be, to intervene on behalf of citizens, with Ville de Montréal.
- To actively contribute to the finding of fair and reasonable short-term, medium-term and long-term solutions, when problems are identified.
- To ensure the respect of the commitments contained in the *Montréal Charter of Rights and Responsibilities* as well as the obligations resulting from Québec *Charter of human rights and freedoms*, by all City representatives.
- To promote more broadmindedness and a better understanding of fundamental rights.

OUR VISION

- That owing to the **OMBUDSMAN DE MONTRÉAL**'s interventions, the quality of services offered to citizens by Ville de Montréal be the best possible.
- That Montréal's municipal services continue to evolve so as to meet the citizens' changing needs.
- That City representatives and citizens better understand their respective reality, expectations and constraints.
- That all Ville de Montréal representatives and employees, as well as elected officials, respect and take into account the values and undertakings contained in the *Montréal Charter of Rights and Responsibilities*.

OUR VALUES

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

CHARACTERISTICS

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

APOLITICAL AND INDEPENDENT POSITION

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

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

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

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

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

The **OMBUDSMAN DE MONTRÉAL** must however:

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



INVESTIGATION POWERS

When the **OMBUDSMAN DE MONTRÉAL** decides to intervene or investigate, she must, in accordance with the *By-law concerning the ombudsman*, inform the concerned borough's or department's director. She must also prepare a reasoned report on her findings, at the end of her intervention or investigation.

The Ombudsman must invite the author of the contested decision or act to be heard and she has the right to request any information, document or explanation she deems relevant.

The *Cities and Towns Act* also confirms that the Ombudsman has the right to obtain from any person, all of the information she deems necessary.

Within the scope of their investigations, the Ombudsman and her team can, therefore, directly request, from any person, all the information they deem appropriate.

ENABLING LEGISLATION

The **OMBUDSMAN DE MONTRÉAL**'s jurisdiction and powers are defined in the following laws and by-laws:

- The *By-Law concerning the ombudsman* (02-146)
- The *Montréal Charter of Rights and Responsibilities* (05-056)
- Sections 573.14 to 573.20 of the *Cities and Towns Act* (R.S.Q., chapter C-19).

LOGO

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

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

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

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

This signature's blue color is no accident. Blue symbolizes communication, self expression, creativity and peace. In this logo, it also represents the water surrounding Montréal.



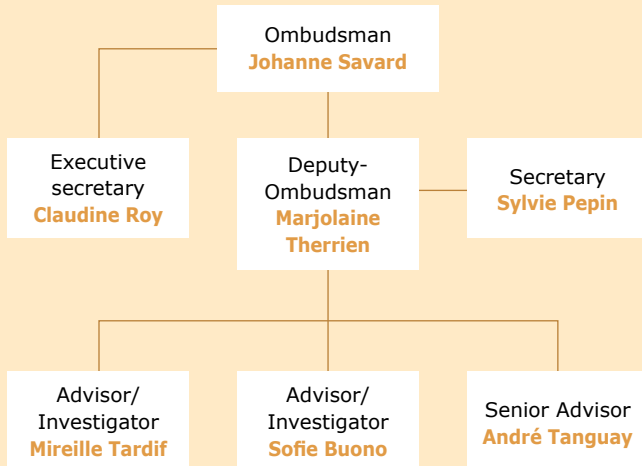


III Services offered by the OMBUDSMAN DE MONTRÉAL

STRUCTURE AND ORGANIZATION

In 2008, the **OMBUDSMAN DE MONTRÉAL** team was made up of seven people including the Ombudsman, the Deputy Ombudsman, a Senior Advisor and two Advisors/Investigators. The team is supported by two secretaries.

ORGANIGRAM



CODE OF ETHICS

Each member of the **OMBUDSMAN DE MONTRÉAL** team must respect the *Code of Ethics* adopted in 2005. This *Code of Ethics* is drafted in French and English: it is posted in our office and on our Web site.

PETITION FORM

Citizens can easily find, on our Web site, the *Petition Form* which can be completed and returned online, if they need our assistance. This procedure makes the recourse to the **OMBUDSMAN DE MONTRÉAL** even more accessible and easy. The *Petition Form* is also available in printed version.

Citizens may also submit their request by mail, e-mail or fax, by phone, or directly at our office: citizens who wish to submit their request in person should, however, take an appointment beforehand, to make sure an investigator will be available.

ACCESS TO THE OMBUDSMAN'S OFFICE

The **OMBUDSMAN DE MONTRÉAL**'s office is located on the ground floor of the Montréal City Hall, in suite R-100, a few steps away from the Champ-de-Mars metro station. The building is accessible to people with reduced mobility through the Place Vauquelin entrance.

SWIFT SERVICE

Within a maximum period of 24 working hours following the reception of their request, citizens who seek the **OMBUDSMAN DE MONTRÉAL** assistance receive a verbal confirmation that our office has received their request and a short explanation of the ensuing steps.

Thereafter and within a period generally not exceeding two (2) working days, the **OMBUDSMAN DE MONTRÉAL** forwards to the complainants a written *Acknowledgement of receipt* in which she confirms the name and contact information of the person responsible for handling their file.

In 2008, more than 90% of the people who sought the **OMBUDSMAN DE MONTRÉAL**'s assistance received a final answer in their file, within one month or less.

Moreover, nearly 75% of the requests which required a thorough investigation were finalized within a period not exceeding two (2) months.

Top picture:

Standing: **Mireille Tardif**, Advisor/Investigator; **André Tanguay**, Senior Advisor; and **Sofie Buono**, Advisor/Investigator.

Sitting: **Claudine Roy**, Secretary; **Marjolaine Therrien**, Deputy Ombudsman; **Johanne Savard**, Ombudsman; and **Sylvie Pepin**, Secretary.

CONFIDENTIALITY

Protecting the confidentiality of our interventions and files is of utmost importance. The people we deal with, whether citizens or City employees, must feel free to confide in us everything they deem relevant, without any fear that it could be repeated or that they may undergo reprisals. This confidentiality is provided for in the *By-law concerning the ombudsman* as well as in the *Cities and Towns Act*.

All our files are kept in locked filing cabinets, in offices which are also locked every night: Ville de Montréal employees, managers, elected officials or representatives do not have access to them.

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

Our files are not subject to *Right of Access* legislation and the **OMBUDSMAN DE MONTRÉAL** and her employees cannot be compelled to testify before any court of law nor to provide any information or deposit any document relating to their investigations or interventions.

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

Finally, whenever she decides to intervene or investigate, the *By-law concerning the ombudsman* requires that the **OMBUDSMAN DE MONTRÉAL** informs the director of the concerned borough or department and offers her/him the opportunity to explain the decision or settle the situation. Whenever the Ombudsman decides to intervene or investigate, this By-law also requires that she informs the General Manager of Ville de Montréal and forwards him, at the end of the process, a copy of her written final findings.

HELPING AS MUCH AS WE CAN

Listening with empathy is at the heart of all of the **OMBUDSMAN DE MONTRÉAL**'s interventions.

When citizens submit problems that fall outside Ville de Montréal's jurisdiction or when the **OMBUDSMAN DE MONTRÉAL** does not have the right to examine the matter at stake, our team still tries to provide useful information and to redirect the citizen to another resource who could possibly help.

*If, because of a lack of jurisdiction over a particular situation, the **OMBUDSMAN DE MONTRÉAL** team must close the door on a request, we always try to open another window for the citizen concerned.*

BILINGUAL SERVICE

The **OMBUDSMAN DE MONTRÉAL** offers complete services to citizens, in both English and French. Her Web site is also available in these two languages.

MULTILINGUAL INFORMATION

Citizens of all origins must feel welcomed and comfortable to seek our help: we have, therefore, included in our Web site home page, a short summary explaining the nature of the **OMBUDSMAN DE MONTRÉAL** mandate 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.

People who request the **OMBUDSMAN DE MONTRÉAL** intervention, however, remain responsible for designating a representative who speaks either French or English, to act on their behalf, for the purpose of their file.



BRAILLE AND OTHER MEANS FOR CITIZENS WITH LIMITED EYESIGHT

Since 2006, the business cards used by the **OMBUDSMAN DE MONTRÉAL** team are embossed in Braille. Our name and phone number are also written in Braille on our multilingual bookmark. Moreover, all our correspondence and the texts on our Web site are written in VERDANA font, which is easier to read for people with limited eyesight.

SIMPLIFIED LANGUAGE AND ALTERNATIVE SPELLING

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

These texts were drafted with the help of Université de Montréal specialists and are mainly aimed at people with intellectual limitations: they explain, in simple terms, the **OMBUDSMAN DE MONTRÉAL** role and mandate.

In "*Simplified Language*", we briefly explain the nature of the services we can offer. This text can also be listened to, on the Montréal *Accès Simple* Web site.

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

As for "*Alternative Spelling*", it is a special *phonic language* taught in specialized schools to people unable or unlikely to ever learn traditional French spelling. This *phonic language* allows them to read useful information by sound and, as a result, to become more autonomous.

The **OMBUDSMAN DE MONTRÉAL** is proud to participate in these fantastic projects aimed at providing a maximum amount of information to all of the people who could require her services, regardless of their personal limitations.

OMBUDSMAN DE MONTRÉAL WEB SITE

Our numerous contacts with citizens have shown that still too many do not clearly comprehend the nature of our mandate and powers, or understand important basic notions relating to municipal matters. This is why, in 2007, we added to our Web site, a new section named "*Frequently asked questions*" in which we explain, in simple terms, notions we frequently refer to, in the course of our interventions. Citizens can consult this section in order to better understand some rules they often face, when dealing with Ville de Montréal.

VIDEOS

The Ombudsman is often solicited to present and explain her role and share her experience with various groups: she answers favourably to a maximum of such requests but, unfortunately, she cannot attend all of these events.

For that reason, we have created, few years ago, two videos in which the Ombudsman explains the nature of her mandate and interventions as well as the *Montréal Charter of Rights and Responsibilities* basic principles. These videos are available in both French and English on our Web site.





IV Report on 2008 activities

A. 2008 OMBUDSMAN DE MONTRÉAL achievements

PRESENTING THE 2007 ANNUAL REPORT

In the days following the submission of her 2007 Annual Report to City Council, the **OMBUDSMAN DE MONTRÉAL** held a Press Conference, followed by numerous interviews.

A Public Assembly was also organized by the *Commission de la présidence du Conseil de la Ville* where the Ombudsman explained her teams' 2007 activities and achievements. She received comments and answered questions from citizens as well as from the members of the Commission.

INCREASE IN REQUESTS

In 2008, **1701** new citizens' requests were submitted to our office, an increase of **33%** from 2007 and of **488%** from 2004.

Taking into account the previous active files and files in which a follow-up was required in regards to municipal undertakings, a total of **1753** requests were, therefore, handled by our team, in 2008.

We have led **289** thorough investigations in 2008, **34** more than in 2007 (**+13%**).

EFFICIENCY OF OUR INTERVENTIONS

In 2008, **264** thorough investigation files were completed and closed. In **155** of these cases, we concluded that there was a need for our office to intervene so as to rectify the situation.

The discussions that followed enabled the settlement of **104** files to our satisfaction, without the need for a formal **RECOMMENDATION**; **51** formal **RECOMMENDATIONS** were issued and, except for one, they were all formally accepted and conformed to by the concerned entity.

In **12** other files, our office made follow-ups to ensure the respect of previously taken undertakings: **7** of those were closed to our satisfaction whereas **5** were still under investigation as of December 31, 2008.

SWIFTNESS OF OUR ACTIONS

In 2008, the average final settlement period of a file (for all files, including "Charter" files) was of **5.28 working days** and **92%** of the time, the citizen obtained a final answer to his request within one (1) month or less.

When we conducted a thorough investigation, **45%** of the cases were finalized within one (1) month or less and **70%** in less than two (2) months.

The average final settlement period of our investigation files was of **30.02 working days**.

We are very proud of these results.

INVESTIGATING ON OUR OWN INITIATIVE

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

In 2008, our office initiated **16** investigations relating to, namely, the protection of Angrignon forest; universal access issues; illegal trespassing on public land; inconsistent application of by-laws; the quality of information available to the public; nuisances caused by noise, traffic or individuals; internal procedures and/or customer service in various departments within the City.

REASONABLE ACCOMMODATION AND INTERCULTURAL INTEGRATION

The **OMBUDSMAN DE MONTRÉAL** may intervene with respect to *Reasonable Accommodation* requests submitted by citizens, in regards to municipal services, mainly with respect to citizens with physical limitations or members of ethno-cultural or religious groups.

Reasonable accommodation is an integral part of the "Inclusion Policy" that Ville de Montréal has been promoting for many years. Furthermore, there are circumstances where it may be appropriate for Ville de Montréal to go even beyond the *legal obligation to provide reasonable accommodation* and offer certain additional non binding privileges, in order to promote and facilitate the integration of all citizens.

In 2008, the **OMBUDSMAN DE MONTRÉAL** pursued her interventions to make these notions and the scope of the City's undertakings contained in the *Montréal Charter of Rights and Responsibilities* better understood by the different departments and boroughs of Ville de Montréal.

More specifically, her team requested boroughs to derogate from their usual rules so as to take into consideration the needs of citizens with physical limitations. For example, we obtained:

- A special derogation, in a borough that strictly forbids "tempo" style shelters for cars, allowing a handicapped citizen who really needed to install one, under certain conditions, so as to maintain his autonomy;
- The rearrangement and displacement of installations recently implemented on a street, in order to reduce traffic. Indeed, this new installation had a major impact on the autonomy of a blind citizen living nearby who could no longer cross that intersection without risking her life.

FAIR AND EQUITABLE POLICIES FOR CITIZENS

For many years, our interventions have often revealed the need to modernize an existing policy or to elaborate a new rule of conduct, in order to ensure fair and equitable treatment of citizens' municipal requests.

In 2008, at the Ombudsman's request, the Service de police de la Ville de Montréal adopted a new policy confirming that citizens should never be charged for the fees incurred for the storage of their vehicle when it is kept in a pound at the request of the SPVM, for the purpose of a police investigation.

In the past, we had investigated cases where citizens had been billed in similar situations and where we had to intervene to have these specific charges cancelled. Following these cases, our office felt it was important that a clear rule in that regard be adopted and communicated by the SPVM to all those persons responsible for handling such situations.

UNIVERSAL ACCESS

Whether it relates to physical access to municipal buildings or to the general access to municipal services or information, the **OMBUDSMAN DE MONTRÉAL** intervenes to make sure that Ville de Montréal respects all its duties and undertakings, in this regard.

We maintain good contacts with various organizations holding special expertise in these fields which can share their knowledge with our office so as to help us better understand the challenges and specific needs of citizens seeking our assistance in that regard, from time to time.

We are also promoting with the boroughs and central departments the importance for all citizens to have access to municipal buildings, regardless of their personal limitations. We are particularly alert in regards to the construction and renovation of municipal offices and, if necessary, we intervene to ensure that the physical accessibility measures implemented are the most adequate.

Better and easier access to municipal buildings also has incidental benefits worth mentioning for other groups of citizens, such as elderly people and mothers with strollers who, although they are not physically limited, can be discouraged at the idea of having to climb stairs, enter through narrow and heavy doors, etc., in order to talk to a City representative or to attend a public assembly.

In 2008, we obtained many improvements of the physical access to a borough office, for people with limitations, even if this office was only temporary.

PROMOTING THE SERVICE

Since she took office, the **OMBUDSMAN DE MONTRÉAL** multiplied her initiatives to make more citizens aware of the exceptional services her team can offer, as a free last resort recourse.

She makes a point of attending many events of Montréal's community, such as the breakfast in memory of Dr. Martin Luther King, the launch of *Black History Month*, the launch of *Défi climat*, and many other activities where she can meet *leaders* likely to promote her services in their community.

In 2008, the **OMBUDSMAN DE MONTRÉAL** and/or the members of her team have also:

- Held a kiosk at the "**Salon Visez Droit**" where they met hundreds of citizens to whom they explained their role and mandate. This major public event is organized by the Montréal Bar to inform citizens on their legal rights and recourses;
- Participated and held a kiosk at the *Journée des partenaires* of the **Table de concertation pour le loisir des personnes handicapées de Montréal** where many organizations helping the handicapped people were present;
- Explained their mandate and discussed their role and the help they can bring to their clients, with representatives of many community organizations such as *Old Brewery Mission*, the shelter *Chez Doris*, the *Comité régional des associations pour la déficience intellectuelle*, *Défi Apprentissage*, the *Centre des Femmes de Montréal*, the *Conseil interculturel de Montréal*, the *Centre d'histoire de Montréal*, *Institut Nazareth et Louis-Braille*, an *Afghan Women association* and the *Moroccan community*;



- Introduced the role of legislative Ombudsman in general, as well as the specific role of the **OMBUDSMAN DE MONTRÉAL**, to groups of jurists, mediators and students;
- Gave many interviews leading to the publication of articles in newspapers and magazines directed more specifically at ethno-cultural communities or community groups;
- Participated in many radio or television interviews, in French and in English, in stations with a general or a specialized mandate;
- And much more.

Furthermore, the **OMBUDSMAN DE MONTRÉAL** maintains her ongoing contacts with Ville de Montréal directors, managers, employees and elected officials to make them always better understand her mandate and the positive impact of her interventions on the whole Montréal's municipal administrative apparatus.

She also gave training of a few hours to all employees hired for the **311 Service**, in order for them to properly understand how the **OMBUDSMAN DE MONTRÉAL** can help citizens.

PROMOTION OF THE FUNCTION AT THE NATIONAL AND INTERNATIONAL LEVEL

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

Many opportunities of this nature presented themselves again, in 2008, and it is with pleasure that Ms. Savard offered her usual support. She shared her expertise with representatives from the *National Capital Commission* and with *Université de Montréal*, during processes leading to the creation of a new Ombudsman position and/or recruitment for a vacant position.

Ms. Savard was also invited to the conference of the *European Metropolises for Ombuds Network*, where she presented the challenges and accomplishments of her office and exchanged on the similarities and differences between her mandate and those of the different European municipal Ombudsmans.

She also met with the City of Milan's *Difensore civico*, Mr. Alessandro Barbeta, and his team with whom she shared her experience and compared their respective mandates and operating methods.



SPECIAL COLLABORATION WITH THE CITY OF TORONTO

When it created the municipal Ombudsman position, in 2002, Montréal became a model to be followed. The Montréal model, with a team of persons exclusively dedicated to this function, is indeed the best suited for larger cities.

When the City of Toronto undertook to create its own municipal Ombudsman office, it greatly inspired itself from the Montréal experience. In 2008, Ms. Savard pursued her collaboration with the Toronto representatives to help them implement this new function, so important for citizens. She even sat on the selection committee for Toronto's first municipal Ombudsman.

In November of 2008, the City of Toronto finally announced the hiring of its first municipal Ombudsman with whom our office continues to collaborate.

Ms. Savard shall remain available to share her expertise and experience with any other city or manager wishing to implement a new Ombudsman service.

CONFERENCES, SYMPOSIUMS AND TRAININGS

The ongoing training of our team is essential to ensure that we always better understand the variety of subjects on which our office's requests are based. In 2008, we therefore continued to perfect our knowledge, namely, on the following subjects:

- Civil mediation
- Alternative dispute resolution procedures
- Exploring the benefits of arbitration and negotiation
- Fundamental rights and Charters
- Standing out by provoking the desired impact
- Time management and priorities
- Reasonable accommodation
- Communication styles
- Accommodations and cultural integration arrangements
- Recent developments in municipal law
- Education, Entrepreneurship and Cooperation
- Beyond the rules of conduct: complaints office paying attention to citizens' needs
- Mediation anchored in non-violent principles
- Women and public administration – Achievements and challenges
- Political mentoring to support the involvement of women in political life
- The place of immigrants and immigrant women in municipal elections
- Urban intervention versus Preservation of the patrimony
- Ombudsmanship, diversity and reasonable accommodation
- Information technologies and the law.

B. Cases handled in 2008

As confirmed by the constant increase in the number of citizens seeking our help, our ongoing efforts to make known the services offered by the **OMBUDSMAN DE MONTRÉAL** are producing results.

In 2008, **1701** new requests were submitted by citizens, an increase of **33%** from last year and of **488%** over the last 4 years. If we add the **40** previous files still pending from 2007 and **12** files where municipal undertakings were subject to a follow-up, a total of **1753** requests were handled by our team, in 2008.

Approximately **41%** of these files (**723 files**) were rejected before an investigation. This refusal is generally due to a lack of jurisdiction, i.e. the complaint related to a non-municipal entity or to a municipal entity over which we cannot intervene. Nonetheless, in all of these cases, we took time to listen and to properly understand the complaint and we were generally able to redirect the citizen to another organization more likely to help him or her.

683 other files were referred to the director concerned, without an investigation, because they had been prematurely submitted to our office: as everybody should know, we are a last resort.

58 files were withdrawn by the complainant before we formally investigated his request, but after discussion with one of our advisors, who could explain the reasoning behind a contested municipal rule of which we already had a good knowledge.

Furthermore, our team has conducted **289** thorough investigations, in 2008, which is **34** more than in 2007 (**+13%**). As of December 31st 2008, only **25** of these files were still pending.

Among the **264** files thoroughly investigated and closed in 2008, **8** requests were withdrawn and **11** were returned to the directors, during the investigation process. In **83** other cases, we concluded that the complaint was ill-founded and we explained the reasons to the concerned citizen.

As for the **155** files that were founded and the **7** files of follow-ups on previously subscribed undertakings, **111** were settled to our satisfaction, without the need of a formal **RECOMMENDATION**. A **RECOMMENDATION** was issued in **51** files. In only one of these cases, the borough refused to formally commit to respecting our **RECOMMENDATION** but implemented, nonetheless, most of the changes we had requested.

Most **RECOMMENDATIONS** we issued related to the storage of private moveable property, temporarily taken over by the City when citizens had been evicted from their dwelling. In these files, a formal **RECOMMENDATION** is issued by our office only when, following a serious investigation, we conclude that there are good reasons to extend the usual storage period and/or to reduce the costs normally applied.

EXAMPLES OF FILES HANDLED IN 2008

In order for the reader to better understand the nature of the files we handle, here are some interesting examples:

- **Itinerancy, drugs, prostitution, garbage, graffiti**

A citizen was requesting our intervention so that Arrondissement de Ville-Marie and the Service de police de la Ville de Montréal take action to eliminate certain irritants harmful to the quality of life of nearby residents such as graffiti, garbage, animal excrements, as well as problems relating to itinerancy, drugs and prostitution.

Following our intervention, a committee was put into place to specifically address these problems, in this area.

First, the committee agreed on a Phase I:

- To conduct a survey within the neighborhood in order to obtain an objective diagnosis of the situation;
- To mobilize the residents in order to elaborate and carry out activities aiming at strengthening the social fiber;
- That the officers of Police station 22 pursue their interventions and increase surveillance; and
- That the increased interventions of the borough, in regards to cleanliness, be maintained.

In Phase II, the committee will proceed with the analysis of the survey's results and identify the required actions, taking into account the priorities expressed by citizens.

Given that the borough and community members have initiated this process, the Ombudsman has suspended her intervention but we will follow up on the committee's actions and make sure these concerns remain a priority.

- **Restriction of access to criminal files for people having obtained a pardon**

Thanks to the **OMBUDSMAN DE MONTRÉAL**'s previous interventions, citizens who were acquitted or otherwise exonerated of a criminal accusation by Cour municipale de Montréal can now, under certain conditions, obtain that their computerized file be no longer accessible to the general public.

Furthermore, the *Criminal Records Act* prohibits access to the criminal files of people who were convicted but later obtained a pardon from the Minister. In such cases, the law is clear: it is forbidden to disclose or allow access to information contained in these pardon files.

In the scope of an investigation, the **OMBUDSMAN DE MONTRÉAL** noted that citizens going to Ville de Montréal's archives were conducting their own research and had full access to the court dockets of Cour municipale de Montréal where older criminal files are kept, including those of persons benefiting from a ministerial pardon. In other words, any citizen could easily access information on certain criminal files which, by virtue of the law, should have been out of reach.

We intervened very quickly, therefore, with Cour municipale de Montréal for this situation to be corrected without delay.

Following our intervention, a new internal rule was immediately implemented: the public no longer has access to these paper documents and researches are now done on request, by a City employee, which guarantees the respect of the legal obligations resulting from the *Criminal Records Act*.



- Alleys illegally occupied by residents

As part of another investigation, we found out that an alley was illegally occupied by neighbouring owners.

We know from experience that in many places, with- in Ville de Montréal, residents have installed sheds, fences, etc. in public alleys located behind their resi- dence, without authorization.

If such an illegal occupation of the alley causes no functional or potential problems to the City, our office can intervene to ask the Service de la mise en valeur du territoire et du patrimoine to regularize the situa- tion, by transferring to citizens the illegally occupied piece of land, under certain conditions, so that citi- zens no longer risk to have to vacate this land.

Sometimes, however, functional public utilities infra- structures are located underneath these alleys and, therefore, the presence of private installations limiting access to the premises may create a real problem. In the occurrence of a breach in the infrastructures, such as a water pipe, the illegal installations encroaching on the alley can prejudice the City's interventions and delay the repairs of the breach: many citizens are, therefore, at risk of suffering more important dam- ages, due to these delays.

When facing such a situation, the Ombudsman nor- mally intervenes with the concerned borough in order to request that they take proper action to put an end to these encroachments.

In the present case, there were no infrastructures un- derneath: the **OMBUDSMAN DE MONTRÉAL** contacted the Direction des stratégies et transactions immobilières of the Service de la mise en valeur du territoire et du patrimoine who initiated the ownership transfer pro- cess of the alley, to residents.

We will follow up in 2009.

- Transition Center in residential areas

Citizens were requesting that we intervene with Arrondissement de Mercier–Hochelaga-Maisonneuve to close a *Group Home* located near their residence. They argued that this *Group Home* did not hold the municipal permit required for this type of activities.

Our investigation showed that this *Group Home*, which could lodge up to 7 children, had been approved as an *Intermediate Resource* by the Québec Government, at the request of *Centre jeunesse de Montréal*, in ac- cordance with the *Act respecting health services and social services*.

The status of *Intermediate Resource* grants the per- son/organization, permission to offer a living envi- ronment adapted to the needs of children who are referred by a public establishment or by another sup- port or assistance service.

In order to facilitate the establishment of such *Intermediate Resources* in residential areas, in spite of citizen's foreseeable apprehensions, the Québec Government has provided, in section 308 of the above mentioned law, that:

308. *A municipal permit or certificate shall not be refused and proceedings under a by-law shall not be instituted for the sole reason that a building or dwelling premises are to be occupied in whole or in part by an intermediate resource.*



In light of this section, Arrondissement de Mercier-Hochelaga-Maisonneuve decided not to require that this organization obtains a formal occupation permit that it could not refuse anyway and, in these particular circumstances, we could not conclude that this decision was unreasonable, unfair or arbitrary.

The presence of a *Group Home* lodging up to 7 children may initially cause some worry in the neighborhood, but we are confident that, in time, citizens will recognize its utmost importance for the concerned children and will welcome them.

- **Fire Reports required for the purpose of insurance claims**

A person responsible for preparing claim files for victims of damages due to a fire appealed to the **OMBUDSMAN DE MONTRÉAL** because, in more than 100 cases (some of which from many years back), she was unable to obtain from the Service de sécurité incendie de Montréal (the "SIM") the *Rapports généraux d'intervention* ("RGI") containing the information required by insurance companies before they fully compensate the blaze victims. These reports are generally prepared by firemen, after their intervention at the scene of the fire.

According to our investigation, many of these reports had simply not been prepared at the time of the disaster and in the absence of much of the information normally contained in these detailed reports, many insurance claims had remained incomplete. As a result, numerous citizens had not been fully compensated or not compensated at all by their insurer.

We found this situation to be clearly unacceptable. The **OMBUDSMAN DE MONTRÉAL**, therefore, intervened and looked for a solution.

We identified which minimum information was required by insurers and we moved on to explore, with the SIM, how such information could be provided to them. Representatives of the SIM collaborated well and they accepted to prepare, in each concerned file, a new type of document, "*Attestation d'intervention des pompiers de Montréal*", containing the said minimum information. These *Attestations* were forwarded to the person handling these claims: with this new information, she completed the requests so that insurers could proceed with the payments owed to the victims.

C. Follow-ups on previous files

- **City pound – Furniture of evicted tenants**

Although it is not legally required to, Ville de Montréal picks up the furniture and other personal effects put on the street by bailiffs, following the eviction of a tenant: this prevents these goods from being quickly stolen or broken by third parties. Ville de Montréal then stores these goods in its municipal pound, for a period up to two (2) months. This service is not free, however, and citizens must pay for transportation and storage, in order to recover their goods.

Since the creation of our office, the **OMBUDSMAN DE MONTRÉAL** intervened in many such cases, in order to help citizens experiencing major financial difficulties obtain a reduction of these fees and/or a short extension of the usual storage period.

We only intervene after having conducted a serious investigation and, in the majority of cases, citizens do not recover their goods for free. As for the extensions of the storage period we obtain, they are not indefinite and citizens must act with diligence to retrieve their property, within a reasonable delay. Indeed, it is important that other citizens are not deprived of this temporary storage privilege offered by Ville de Montréal, due to a lack of space.

- **Vehicle held for the purpose of a police investigation - Storage fees**

In 2007, following our intervention, the SPVM had recognized that owners of a vehicle should not have to pay storage fees incurred because their vehicle had been held for the purpose of a police investigation/expertise. After settling a specific file, our office had requested the SPVM to adopt a formal procedure in this regard and communicate it to all concerned parties.

In 2008, this new procedure was finally adopted and implemented: the new rule confirms that whenever the SPVM has a vehicle towed and stored for the purpose of a police investigation, the resulting fees must not be charged to the owner of the vehicle.

- **Procedural equity – Community garden**

In her 2007 Annual Report, the **OMBUDSMAN DE MONTRÉAL** had noted that a gardener and a co-gardener had both been expelled from a community garden following an altercation between the co-gardener and another gardener.

The **OMBUDSMAN DE MONTRÉAL** had issued a **RECOMMENDATION** so that i) the borough reinstate the main gardener; ii) that the co-gardener's two year expulsion be reduced to one year only; iii) that the borough reconsiders its current practices in matters of sanction; and iv) that if the borough wished to apply a "zero tolerance" rule for all acts of violence, it must properly notify the gardeners via clear and precise "*Règles de civisme et de jardinage*". Arrondissement de Villeray-Saint-Michel-Parc-Extension had refused to modify the sanctions but it had undertaken to clarify its "*Règles de civisme et de jardinage*".

In 2008, Arrondissement de Villeray–Saint-Michel–Parc-Extension modified its “*Règles de civisme et de jardinage*” which now clearly provide for the main gardener’s responsibility toward the actions of his co-gardener as well as the existence of a “zero tolerance” policy in regards to violence, in any form.

- Office municipal d’habitation de Montréal - Bureau des plaintes

In her previous Annual Reports, the **OMBUDSMAN DE MONTRÉAL** saluted the OMHM initiative to set up its own *Bureau des plaintes*.

In 2008, the **OMBUDSMAN DE MONTRÉAL** still received **96** requests concerning the OMHM: **62** were referred to the OMHM’s *Bureau des plaintes* and **21** required a more elaborate intervention on our part.

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

In her previous Annual Reports, the **OMBUDSMAN DE MONTRÉAL** noted that following her formal **RECOMMENDATION**, measures had been implemented by the Cour municipale de Montréal in order to allow persons acquitted or otherwise exonerated of a criminal accusation to request that access to their computerized file be restricted.

These citizens can now submit an *Application for restriction of access to information contained in the court’s computerized registers in criminal matters*.

The significant number of requests submitted and accepted, from year to year, confirms the extent of the importance of this measure to favor the concerned people and avoid them being tagged. Since this procedure came into effect, in 2005, **nearly 1000** citizens benefited from this restriction of access.

- Lack of inspector - Insalubrity

In 2007, a tenant had complained that there was no heating in the room located on the second floor of her dwelling. She had requested from Arrondissement de Lachine, the visit of a municipal inspector to confirm and record this problem but had been told, at the time, that the borough had no inspector available to handle complaints relating to insalubrity and improper maintenance of dwelling. Following our intervention, the requested inspection was done on the following day and the borough had undertaken to quickly fill the position.

Our office followed up with this undertaking, in 2008, and we were happy to note that an inspector is now available and devoted to handling such situations, in Arrondissement de Lachine.



D. Outstanding Collaboration

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

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

In 2008, we wish to emphasize the outstanding collaboration of the following people:

- The *Greffière* of Cour municipale de Montréal, Ms. Marie-France Bissonnette, as well as the *Chef de section – Traitement des appels et plaidoyers*, Ms. Ruth Desmeules;
- The *Assistante directrice* of the *Service de sécurité incendie de Montréal*, Ms. Diane Charland;
- The *Directeur de la culture, des sports, des loisirs et du développement social* of Arrondissement de Rivière-des-Prairies–Pointe-aux-Trembles, Mr. Martin Coutu;
- Mr. Luc Doré, Arrondissement Le Plateau Mont-Royal;
- The *Directeur d'arrondissement*, Mr. Alain Dufort, as well as the *Chef de division – Permis et inspections*, Mr. Marc Labelle, of Arrondissement de Ville-Marie;
- The *Directeur d'arrondissement*, Mr. Réjean Durocher, as well as the *Chef de division – Permis et inspections*, Mr. Richard Blais, of Arrondissement d'Ahuntsic – Cartierville;
- The *Directeur de l'aménagement urbain et des services aux entreprises* of Arrondissement de Villeray – Saint-Michel – Parc-Extension, Mr. Benoît Lacroix;
- Mr. Serge Lamontagne, *Directeur*, and Mr. Éric Paquet, *Adjoint au directeur*, in Arrondissement de Saint-Laurent;
- The *Chef de section – Gestion des programmes d'habitation* of the Service de la mise en valeur du territoire et du patrimoine, Mr. Jean-Louis Legal;
- The *Chef de section – Entreposage et disposition* of the Division du transport et de l'entreposage, Mr. Carl Moïse, as well as his team at the Montréal municipal pound; and
- The *Directrice* of the *Bureau des plaintes* of the Office municipal d'habitation de Montréal, Ms. Mélanie Pelletier.

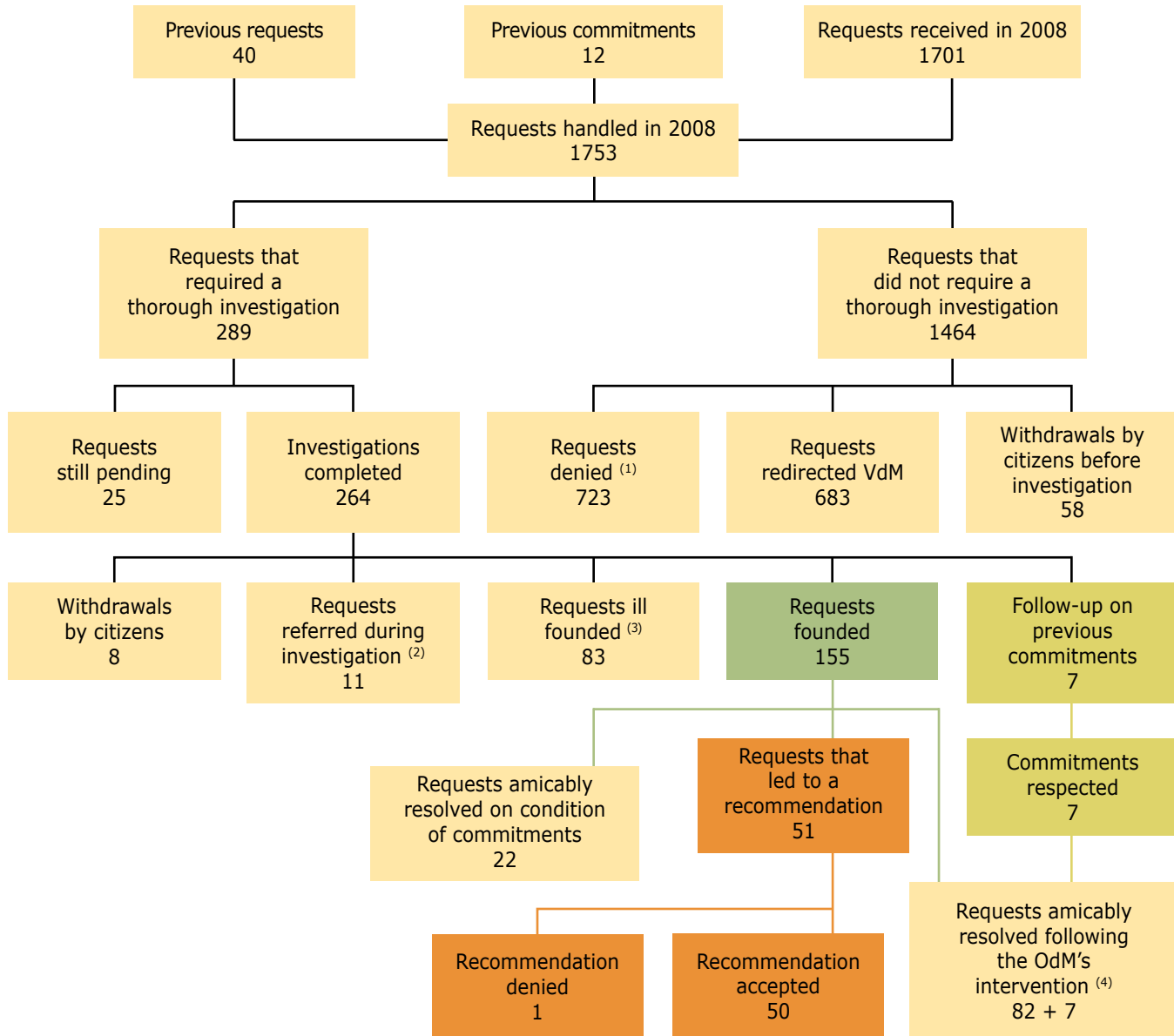
We thank them sincerely for their exemplary collaboration and for all the efforts displayed to ensure the best results possible in the files we worked on together, to the benefit of citizens.



Table 1

Requests handled in 2008

(Including "Charter files")



- (1) These are requests over which the OdM generally does not have jurisdiction.
- (2) These are requests for which the OdM deemed preferable during the investigation, to redirect the citizen back to the concerned director, given his willingness to resolve the matter with no need to issue a formal recommendation.
- (3) These are requests for which, following an investigation, the OdM decided to end her intervention, for example, if by-laws were respected. Our reasoned conclusions were 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 investigation has been completed and the concerned director voluntarily settled the issue, to the citizen's advantage, with no need to issue a formal recommendation.

Table 2

Subject of requests

(Including "Charter files")

SUBJECT	NUMBER		
	2006	2007	2008
Access to information	23	46	40
Acquired rights	7	5	5
Alley	13	6	7
Animal	21	15	22
Application of by-laws	57	53	78
Aqueduct / Sewer	21	13	19
Cleanliness	0	2	25
Communications	18	15	10
Conduct of an employee	102	94	124
Conflict of interests	0	1	1
Court decision	31	24	43
Culture	4	1	1
Cycling path	4	4	5
Decision of a Borough Council	8	3	12
Decision of the City Council	7	5	3
Decision of the Executive Committee	28	1	1
Driveway entrance	2	5	6
Environment / Sustainable development	4	3	5
Evaluation / Real estate tax	28	33	30
Fence	9	5	10
Financial compensation (aqueduct / sewer)	9	9	2
Financial compensation (climate event)	3	1	3
Financial compensation (fall on sidewalk)	19	14	29
Financial compensation (municipal pound)	3	8	5
Financial compensation (municipal works)	12	9	30

Table 2 (continued)

Subject of requests

(Including "Charter files")

SUBJECT	NUMBER		
	2006	2007	2008
Financial compensation (other)	40	47	55
Financial compensation (pothole)	11	5	11
Financial compensation (road incident)	11	7	5
Financial compensation (tree)	5	4	4
Fire / Public safety	6	12	6
Garbage / Recycling	35	19	38
Handicapped person	7	7	16
Human rights	14	3	3
Immigration	8	8	3
Labour relations	58	41	38
Library	4	3	4
Management of underground pipes	0	0	2
Miscellaneous	35	42	54
Municipal court	56	54	91
Noise	32	42	54
Nuisance	27	14	25
Parking / SRRR / Vignettes	61	66	59
Parks and green spaces	8	11	11
Permit	29	49	56
Pound (other)	5	9	5
Pound (storage of furniture)	56	46	63
Public health	34	29	24

Table 2 (continued)

Subject of requests

(Including "Charter files")

SUBJECT	NUMBER		
	2006	2007	2008
Public markets	1	0	0
Public organizations	34	55	108
Public participation	0	7	10
Road works / Public works	96	40	63
Scientific institutions / Jardin botanique	2	0	0
Snow removal	14	30	40
Social housing / HLM / Housing subsidies	56	62	86
Sports and leisure	14	18	23
Subsidy other than housing	19	23	15
Tax (except real estate)	11	18	24
Taxi	4	2	3
Tenant / Landlord relations	27	26	40
Tenders	6	2	3
Towing	0	2	10
Traffic	32	16	27
Transportation	19	6	23
Tree	32	33	37
Universal access	0	2	4
Violation of law	21	27	34
Volunteers	2	2	0
Winter temporary shelter	1	1	2
Zoning / Urban planning / Exemption	18	16	18
TOTAL	1384	1281	1713

Table 3

Results of requests - By subject

(Including "Charter files")

SUBJECT	Total Number	Withdrawal by citizens before investigation	Request referred VdM before investigation	Request denied before investigation	Withdrawal by citizens during investigation	Request redirected during investigation	Request ill-founded	Resolved by mediation	Recommendation	Commitment	Follow-up on commitment	Still pending
Access to information	40	0	5	35	0	0	0	0	0	0	0	0
Acquired rights	5	0	3	1	0	0	0	0	0	0	0	1
Alley	7	0	5	0	0	0	0	0	0	1	0	1
Animal	22	0	19	0	1	0	2	0	0	0	0	0
Application of by-laws	78	5	48	12	0	0	6	5	0	1	0	1
Aqueduct / Sewer	19	2	12	0	0	0	2	0	0	1	0	2
Cleanliness	25	0	22	1	0	0	0	1	0	0	0	1
Communications	10	0	3	7	0	0	0	0	0	0	0	0
Conduct of an employee	124	1	32	86	0	2	2	1	0	0	0	0
Conflict of interests	1	0	0	0	0	0	1	0	0	0	0	0
Court decision	43	0	1	41	0	0	1	0	0	0	0	0
Culture	1	0	1	0	0	0	0	0	0	0	0	0
Cycling path	5	0	4	0	0	1	0	0	0	0	0	0
Decision of a Borough Council	12	1	0	10	0	0	1	0	0	0	0	0
Decision of the City Council	3	0	0	2	0	0	1	0	0	0	0	0
Decision of the Executive Committee	1	0	0	1	0	0	0	0	0	0	0	0
Driveway entrance	6	0	5	1	0	0	0	0	0	0	0	0
Environment / Sustainable development	5	1	1	1	0	1	1	0	0	0	0	0

Table 3 (continued)

Results of requests - By subject

(Including "Charter files")

SUBJECT	Total Number	Withdrawal by citizens before investigation	Request referred VdM before investigation	Request denied before investigation	Withdrawal by citizens during investigation	Request redirected during investigation	Request ill-founded	Resolved by mediation	Recommendation	Commitment	Follow-up on commitment	Still pending
Evaluation / Real estate tax	30	1	18	8	0	1	1	1	0	0	0	0
Fence	10	0	6	4	0	0	0	0	0	0	0	0
Financial compensation (aqueduct / sewer)	2	0	0	2	0	0	0	0	0	0	0	0
Financial compensation (climate event)	3	0	0	3	0	0	0	0	0	0	0	0
Financial compensation (fall on sidewalk)	29	0	1	28	0	0	0	0	0	0	0	0
Financial compensation (municipal pound)	5	0	0	5	0	0	0	0	0	0	0	0
Financial compensation (municipal works)	30	0	2	27	0	0	1	0	0	0	0	0
Financial compensation (other)	55	0	1	52	0	0	1	1	0	0	0	0
Financial compensation (potholes)	11	0	0	11	0	0	0	0	0	0	0	0
Financial compensation (road incident)	5	0	0	5	0	0	0	0	0	0	0	0
Financial compensation (tree)	4	0	0	4	0	0	0	0	0	0	0	0
Fire / Public safety	6	0	4	0	0	0	0	2	0	0	0	0
Garbage / Recycling	38	1	28	5	0	0	1	3	0	0	0	0
Handicapped person	16	3	7	2	0	0	2	2	0	0	0	0
Human rights	3	0	1	1	0	0	1	0	0	0	0	0

Table 3 (continued)

Results of requests - By subject

(Including "Charter files")

SUBJECT	Total Number	Withdrawal by citizens before investigation	Request referred VdM before investigation	Request denied before investigation	Withdrawal by citizens during investigation	Request redirected during investigation	Request ill-founded	Resolved by mediation	Recommendation	Commitment	Follow-up on commitment	Still pending
Immigration	3	0	0	3	0	0	0	0	0	0	0	0
Labour relations	38	0	0	38	0	0	0	0	0	0	0	0
Library	4	0	4	0	0	0	0	0	0	0	0	0
Management of underground pipes	2	0	0	2	0	0	0	0	0	0	0	0
Miscellaneous	54	0	2	47	0	1	1	3	0	0	0	0
Municipal court	91	3	55	23	0	0	5	5	0	0	0	0
Noise	54	1	34	2	1	1	3	8	0	4	0	0
Nuisance	25	0	18	0	0	0	0	3	0	2	1	1
Parking / SRRR / Vignettes	59	2	27	17	0	1	3	4	0	1	0	4
Parks and green spaces	11	0	10	0	0	0	0	0	0	0	1	0
Permit	56	8	37	3	0	0	4	2	0	1	0	1
Pound (other)	5	0	1	1	0	0	1	1	0	0	0	1
Pound (storage of furniture)	63	6	0	3	1	0	2	1	47	0	0	3
Public health	24	0	17	2	0	1	1	2	0	1	0	0
Public organization	108	0	0	108	0	0	0	0	0	0	0	0
Public participation	10	2	5	1	0	0	1	1	0	0	0	0
Road works / Public works	63	0	56	1	0	0	0	2	0	2	1	1
Snow removal	40	3	28	5	0	0	1	3	0	0	0	0

Table 3 (continued)

Results of requests - By subject

(Including "Charter files")

SUBJECT	Total Number	Withdrawal by citizens before investigation	Request referred VdM before investigation	Request denied before investigation	Withdrawal by citizens during investigation	Request redirected during investigation	Request ill-founded	Resolved by mediation	Recommendation	Commitment	Follow-up on commitment	Still pending
Social housing / HLM / Housing subsidies	86	3	57	7	1	1	11	4	0	0	0	2
Sports and leisure	23	1	15	0	0	0	2	2	0	1	1	1
Subsidy other than housing	15	0	8	1	0	0	5	1	0	0	0	0
Tax (except real estate)	24	1	19	3	0	0	0	1	0	0	0	0
Taxi	3	0	3	0	0	0	0	0	0	0	0	0
Tenant / Landlord relations	40	0	1	39	0	0	0	0	0	0	0	0
Tender	3	0	1	1	0	0	1	0	0	0	0	0
Towing	10	2	6	0	0	1	0	1	0	0	0	0
Traffic	27	8	9	1	0	0	1	1	0	2	1	4
Transportation	23	0	0	22	0	0	1	0	0	0	0	0
Tree	37	1	29	0	0	0	3	1	0	1	1	1
Universal access	4	0	2	1	0	0	0	1	0	0	0	0
Violation of law	34	0	1	33	0	0	0	0	0	0	0	0
Winter temporary shelter	2	0	1	0	0	0	0	1	0	0	0	0
Zoning / Urban planning / Exemption	18	2	8	4	1	0	1	1	0	0	1	0
GRAND TOTAL	1713	58	683	723	5	11	71	65	47	18	7	25

Table 4

Number of requests falling under boroughs' jurisdiction

(Including "Charter files")

BOROUGH	NUMBER		
	2006	2007	2008
Ahuntsic – Cartierville	47	38	59
Anjou	15	4	10
Côte-des-Neiges – Notre-Dame-de-Grâce	71	46	90
L'Île-Bizard – Sainte-Geneviève	3	4	7
Lachine	17	15	14
LaSalle	15	13	14
Le Plateau Mont-Royal	38	38	85
Le Sud-Ouest	29	34	28
Mercier – Hochelaga-Maisonneuve	59	37	57
Montréal-Nord	8	18	15
Outremont	8	8	6
Pierrefonds – Roxboro	8	4	9
Rivière-des-Prairies – Pointe-aux-Trembles	37	19	28
Rosemont – La Petite-Patrie	62	63	56
Saint-Laurent	18	16	18
Saint-Léonard	8	7	15
Verdun	18	7	28
Ville-Marie	60	65	109
Villeray – Saint-Michel – Parc-Extension	36	36	33
Special investigations concerning all boroughs	1	0	3
TOTAL	558	472	684

Table 5

Requests falling under boroughs' jurisdiction – By subject

(Including "Charter files")

BOROUGH	SUBJECT	NUMBER (2008)	%
Ahuntsic – Cartierville	Access to information	3	5.08
	Acquired rights	1	1.69
	Animal	2	3.39
	Application of by-laws	4	6.78
	Aqueduct / Sewer	2	3.39
	Cleanliness	3	5.08
	Conduct of an employee	3	5.08
	Decision of the Borough Council	1	1.69
	Driveway entrance	3	5.08
	Fence	1	1.69
	Garbage / Recycling	3	5.08
	Handicapped person	2	3.39
	Noise	4	6.78
	Nuisance	2	3.39
	Parking / SRRR / Vignettes	2	3.39
	Permit	1	1.69
	Public health	1	1.69
	Public participation	1	1.69
	Road works / Public works	2	3.39
	Snow removal	3	5.08
	Traffic	7	11.86
	Tree	6	10.16
	Zoning / Urban planning / Exemption	2	3.39
TOTAL		59	100%

Table 5 (continued)

Requests falling under boroughs' jurisdiction – By subject

(Including "Charter files")

BOROUGH	SUBJECT	NUMBER (2008)	%
Anjou	Animal	1	10
	Garbage / Recycling	2	20
	Noise	1	10
	Nuisance	2	20
	Permit	1	10
	Pound (Storage of furniture)	1	10
	Road works / Public works	1	10
	Traffic	1	10
TOTAL		10	100%
Côte-des-Neiges – Notre-Dame-de-Grâce	Access to information	2	2.22
	Animal	4	4.44
	Application of by-laws	5	5.55
	Aqueduct / Sewer	5	5.55
	Cleanliness	6	6.66
	Conduct of an employee	2	2.22
	Decision of the Borough Council	1	1.11
	Fence	1	1.11
	Garbage / Recycling	8	8.88
	Library	1	1.11
	Noise	6	6.66
	Nuisance	1	1.11
	Parking / SRRR / Vignettes	4	4.44
	Permit	4	4.44
	Public health	3	3.33
	Public participation	2	2.22
Road works / Public works	18	20	

Table 5 (continued)

Requests falling under boroughs' jurisdiction – By subject

(Including "Charter files")

BOROUGH	SUBJECT	NUMBER (2008)	%
Côte-des-Neiges – Notre-Dame-de-Grâce (continued)	Snow removal	3	3.33
	Sports and leisure	6	6.66
	Traffic	1	1.11
	Tree	4	4.44
	Zoning / Urban planning / Exemption	3	3.33
TOTAL		90	100%
L'Île-Bizard – Sainte-Genève	Access to information	1	14.28
	Aqueduct / Sewer	2	28.57
	Handicapped person	1	14.28
	Parking / SRRR / Vignettes	1	14.28
	Parks and green spaces	1	14.28
	Road works / Public works	1	14.28
	TOTAL		7
Lachine	Application of by-laws	2	14.28
	Conduct of an employee	1	7.14
	Fence	1	7.14
	Noise	1	7.14
	Nuisance	1	7.14
	Public health	1	7.14
	Road works / Public works	1	7.14
	Snow removal	1	7.14
	Traffic	5	35.71
TOTAL		14	100%

Table 5 (continued)

Requests falling under boroughs' jurisdiction – By subject

(Including "Charter files")

BOROUGH	SUBJECT	NUMBER (2008)	%
LaSalle	Access to information	2	14.28
	Application of by-laws	2	14.28
	Conduct of an employee	1	7.14
	Decision of the Borough Council	1	7.14
	Permit	1	7.14
	Public health	2	14.28
	Tree	3	21.42
	Zoning / Urban planning / Exemption	2	14.28
TOTAL		14	100%
Le Plateau Mont-Royal	Access to information	4	4.7
	Acquired rights	2	2.35
	Alley	1	1.17
	Animal	2	2.35
	Application of by-laws	8	9.41
	Aqueduct / Sewer	1	1.17
	Cleanliness	1	1.17
	Conduct of an employee	7	8.24
	Cycling path	1	1.17
	Garbage / Recycling	3	3.53
	Noise	12	14.18
	Nuisance	3	3.53
	Parking / SRRR / Vignettes	9	10.59
	Permit	6	7.06
	Public health	4	4.7
	Road works / Public works	7	8.24
	Snow removal	2	2.35
Sports and leisure	5	5.88	

Table 5 (continued)

Requests falling under boroughs' jurisdiction – By subject

(Including "Charter files")

BOROUGH	SUBJECT	NUMBER (2008)	%
Le Plateau Mont-Royal (continued)	Tender	1	1.17
	Traffic	3	3.53
	Tree	1	1.17
	Universal access	1	1.17
	Zoning / Urban planning / Exemption	1	1.17
TOTAL		85	100%
Le Sud-Ouest	Access to information	1	3.57
	Animal	1	3.57
	Application of by-laws	4	14.28
	Decision of the Borough Council	1	3.57
	Garbage / Recycling	2	7.14
	Noise	2	7.14
	Parks and green spaces	2	7.14
	Permit	4	14.28
	Public health	2	7.14
	Road works / Public works	2	7.14
	Snow removal	1	3.57
	Sports and leisure	2	7.14
	Traffic	1	3.57
	Tree	3	10.71
TOTAL		28	100%

Table 5 (continued)

Requests falling under boroughs' jurisdiction – By subject

(Including "Charter files")

BOROUGH	SUBJECT	NUMBER (2008)	%
Mercier –	Access to information	2	3.51
Hochelaga-Maisonneuve	Animal	4	7.01
	Alley	3	5.26
	Application of by-laws	1	1.75
	Aqueduct / Sewer	2	3.51
	Cleanliness	1	1.75
	Conduct of an employee	3	5.26
	Driveway entrance	1	1.75
	Garbage / Recycling	2	3.51
	Handicapped person	1	1.75
	Noise	3	5.26
	Nuisance	1	1.75
	Parking / SRRR / Vignettes	2	3.51
	Parks and green spaces	4	7.01
	Permit	3	5.26
	Road works / Public works	9	15.78
	Snow removal	1	1.75
	Sports and leisure	3	5.26
	Traffic	2	3.51
	Tree	8	14.03
	Zoning / Urban planning / Exemption	1	1.75
	TOTAL	57	100%

Table 5 (continued)

Requests falling under boroughs' jurisdiction – By subject

(Including "Charter files")

BOROUGH	SUBJECT	NUMBER (2008)	%
Montréal-Nord	Animal	1	6.66
	Application of by-laws	4	26.66
	Cleanliness	2	13.33
	Conduct of an employee	3	20
	Handicapped person	1	6.66
	Noise	1	6.66
	Parking / SRRR / Vignettes	1	6.66
	Permit	1	6.66
	Winter temporary shelter	1	6.66
TOTAL		15	100%
Outremont	Application of by-laws	2	33.33
	Cleanliness	1	16.66
	Permit	1	16.66
	Snow removal	1	16.66
	Zoning / Urban planning / Exemption	1	16.66
TOTAL		6	100%
Pierrefonds – Roxboro	Access to information	2	22.22
	Aqueduct / Sewer	1	11.11
	Noise	1	11.11
	Road works / Public works	1	11.11
	Snow removal	2	22.22
	Traffic	1	11.11
	Zoning / Urban planning / Exemption	1	11.11
TOTAL		9	100%

Table 5 (continued)

Requests falling under boroughs' jurisdiction – By subject

(Including "Charter files")

BOROUGH	SUBJECT	NUMBER (2008)	%
Rivière-des-Prairies – Pointe-aux-Trembles	Access to information	1	3.57
	Animal	3	10.71
	Application of by-laws	2	7.14
	Aqueduct / Sewer	1	3.57
	Conduct of an employee	1	3.57
	Driveway entrance	1	3.57
	Garbage / Recycling	1	3.57
	Noise	2	7.14
	Nuisance	3	10.71
	Permit	2	7.14
	Snow removal	3	10.71
	Sports and leisure	1	3.57
	Tree	3	10.71
	Universal access	2	7.14
	Zoning / Urban planning / Exemption	2	7.14
TOTAL		28	100%
Rosemont – La Petite-Patrie	Access to information	1	1.78
	Acquired rights	1	1.78
	Application of by-laws	5	8.93
	Aqueduct / Sewer	3	5.36
	Cleanliness	2	3.57
	Conduct of an employee	5	8.93
	Decision of the Borough Council	2	3.57
	Garbage / Recycling	4	7.14
	Handicapped person	1	1.78
	Noise	3	5.36
	Nuisance	1	1.78

Table 5 (continued)

Requests falling under boroughs' jurisdiction – By subject

(Including "Charter files")

BOROUGH	SUBJECT	NUMBER (2008)	%
Rosemont – La Petite-Patrie (continued)	Parking / SRRR / Vignettes	5	8.93
	Permit	3	5.36
	Public health	2	3.57
	Public participation	2	3.57
	Road works / Public works	5	8.93
	Snow removal	5	8.93
	Sports and leisure	1	1.78
	Traffic	2	3.57
	Zoning / Urban planning / Exemption	3	5.36
TOTAL		56	100%
Saint-Laurent	Access to information	3	16.66
	Animal	1	5.55
	Application of by-laws	1	5.55
	Conduct of an employee	1	5.55
	Environment / Sustainable development	1	5.55
	Fence	2	11.11
	Garbage / Recycling	1	5.55
	Nuisance	1	5.55
	Permit	1	5.55
	Road works / Public works	1	5.55
	Snow removal	1	5.55
	Tree	3	16.66
	Winter temporary shelter	1	5.55
	TOTAL		18

Table 5 (continued)

Requests falling under boroughs' jurisdiction – By subject

(Including "Charter files")

BOROUGH	SUBJECT	NUMBER (2008)	%
Saint-Léonard	Application of by-laws	1	6.66
	Conduct of an employee	1	6.66
	Garbage / Recycling	1	6.66
	Human rights	1	6.66
	Noise	1	6.66
	Nuisance	1	6.66
	Parking / SRRR / Vignettes	2	13.33
	Permit	1	6.66
	Pound (Storage of furniture)	1	6.66
	Road works / Public works	1	6.66
	Snow removal	2	13.33
	Sports and leisure	1	6.66
	Traffic	1	6.66
TOTAL		15	100%
Verdun	Access to information	1	3.57
	Alley	1	3.57
	Application of by-laws	7	25
	Cleanliness	1	3.57
	Conduct of an employee	3	10.71
	Decision of the Borough Council	3	10.71
	Driveway entrance	1	3.57
	Fence	1	3.57
	Garbage / Recycling	1	3.57
	Library	1	3.57
	Miscellaneous	1	3.57
	Permit	1	3.57
	Public health	1	3.57
	Snow removal	1	3.57
	Sports and leisure	1	3.57

Table 5 (continued)

Requests falling under boroughs' jurisdiction – By subject

(Including "Charter files")

BOROUGH	SUBJECT	NUMBER (2008)	%
Verdun (continued)	Tax (except real estate)	1	3.57
	Traffic	1	3.57
	Tree	1	3.57
TOTAL		28	100%
Ville-Marie	Access to information	2	1.83
	Alley	1	0.92
	Animal	1	0.92
	Application of by-laws	14	12.84
	Aqueduct / Sewer	1	0.92
	Cleanliness	3	2.75
	Conduct of an employee	4	3.67
	Culture	1	0.92
	Cycling path	3	2.75
	Decision of the Borough Council	3	2.75
	Environment / Sustainable development	1	0.92
	Fence	1	0.92
	Fire / Public safety	1	0.92
	Garbage / Recycling	7	6.42
	Handicapped person	3	2.75
	Noise	10	9.17
	Nuisance	5	4.58
	Parking / SRRR / Vignettes	7	6.42
	Permit	21	19.26
	Public health	4	3.67
	Public participation	3	2.75
	Road works / Public works	11	10.09
	Snow removal	2	1.83
TOTAL		109	100%

Table 5 (continued)

Requests falling under boroughs' jurisdiction – By subject

(Including "Charter files")

BOROUGH	SUBJECT	NUMBER (2008)	%
Villeray – Saint-Michel – Parc-Extension	Alley	1	3.03
	Animal	1	3.03
	Application of by-laws	1	3.03
	Cleanliness	2	6.06
	Environment / Sustainable development	1	3.03
	Noise	4	12.12
	Nuisance	1	3.03
	Permit	3	9.09
	Parking / SRRR / Vignettes	2	6.06
	Public health	1	3.03
	Public participation	1	3.03
	Road works / Public works	2	6.06
	Snow removal	6	18.18
	Sports and leisure	1	3.03
	Tree	5	15.15
	Zoning / Urban planning / Exemption	1	3.03
TOTAL		33	100%
Special investigations concerning all boroughs	Animal	1	33.33
	Public health	1	33.33
	Snow removal	1	33.33
TOTAL		3	100%

Table 6

Results of requests falling under boroughs' jurisdiction

(Including "Charter files")

BOROUGH	Total Number	Withdrawal by citizens before investigation	Request referred VdM before investigation	Request denied before investigation	Withdrawal by citizens during investigation	Request redirected during investigation	Request ill-founded	Resolved by mediation	Recommendation	Commitment	Follow-up on commitment	Still pending
Ahuntsic – Cartierville	59	7	38	5	0	0	3	4	0	1	0	1
Anjou	10	1	5	0	0	0	1	0	1	1	1	0
Côte-des-Neiges – Notre-Dame-de-Grâce	90	2	64	6	1	1	2	7	0	3	1	3
L'Île-Bizard – Sainte-Geneviève	7	0	3	1	0	0	3	0	0	0	0	0
Lachine	14	2	9	0	0	0	2	0	0	1	0	0
LaSalle	14	1	6	3	0	1	2	1	0	0	0	0
Le Plateau Mont-Royal	85	3	63	6	0	1	1	4	0	3	0	4
Le Sud-Ouest	28	0	22	2	0	0	2	0	0	1	0	1
Mercier – Hochelaga-Maisonneuve	57	1	42	2	0	0	3	4	0	3	1	1
Montréal-Nord	15	2	10	2	0	0	0	1	0	0	0	0
Outremont	6	1	4	0	0	0	1	0	0	0	0	0
Pierrefonds – Roxboro	9	1	3	2	1	0	1	1	0	0	0	0
Rivière-des-Prairies–Pointe-aux-Trembles	28	1	21	1	0	0	1	2	0	1	0	1
Rosemont – La Petite-Patrie	56	5	37	5	0	0	3	2	0	2	1	1
Saint-Laurent	18	2	12	3	0	0	0	1	0	0	0	0
Saint-Léonard	15	1	11	0	0	0	0	2	1	0	0	0
Verdun	28	1	14	10	0	0	1	1	0	0	0	1
Ville-Marie	109	7	71	8	0	3	6	8	0	1	1	4
Villeray – Saint-Michel – Parc-Extension	33	2	25	0	0	0	1	4	0	0	1	0
Special investigations concerning all boroughs	3	0	0	1	1	0	0	1	0	0	0	0
GRAND TOTAL	684	40	460	57	3	6	33	43	2	17	6	17

Table 7

Number of requests falling under Central departments' jurisdiction

(Including "Charter files")

DEPARTMENT	NUMBER		
	2006	2007	2008
Affaires corporatives			
Direction des affaires pénales et criminelles	83	76	127
Direction du contentieux	91	68	108
Direction du greffe	8	5	6
Direction de l'administration et du soutien opérationnel (municipal pound)	59	48	62
Direction de l'évaluation foncière	5	16	11
Direction de l'approvisionnement	0	0	1
Direction générale			
Direction des communications et des relations avec les citoyens	4	3	1
Finances			
Direction des revenus et de la planification fiscale	32	34	43
Direction de la comptabilité et du contrôle financier	2	1	0
Développement culturel, qualité du milieu de vie et diversité ethnoculturelle			
Direction du développement culturel	5	2	2
Direction des sports, loisirs, parcs et espaces verts	6	4	n/a ⁽⁵⁾
Direction des sports ⁽⁶⁾	n/a	n/a	3
Direction des grands parcs et de la nature en ville ⁽⁷⁾	n/a	n/a	3
Direction des Muséums nature de Montréal	3	0	1
Direction de la diversité sociale	1	2	0
Direction des événements et équipements - Ville	0	1	0
Bureau du Mont-Royal	0	0	2
Direction sécurité du revenu et développement social	1	1	n/a ⁽⁸⁾

(5) In 2008, this department was broken down in two distinct departments. See notes 6 and 7.

(6) New department within Ville de Montréal, since 2008.

(7) See note 6

(8) This department no longer exists within Ville de Montréal.

Table 7 (continued)

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

DEPARTMENT	NUMBER		
	2006	2007	2008
Capital humain			
All departments included	42	33	27
Mise en valeur du territoire et du patrimoine			
Direction des immeubles	5	3	1
Direction de l'habitation	16	19	13
Direction stratégie et transactions immobilières	1	0	3
Bureau du patrimoine, de la toponymie et de l'expertise	n/a ⁽⁹⁾	1	0
Infrastructures, transport et environnement			
Direction de l'administration et du soutien technique (parking agents) ⁽¹⁰⁾	39	n/a	n/a
Direction de l'environnement et du développement durable	3	1	5
Direction des transports	1	3	2
Direction de la réalisation des travaux	1	1	1
Direction de l'eau	0	2	2
Police			
Service des communications opérationnelles	3	11	8
Direction du service de police	46	86	106
Direction des opérations corporatives (parking agents)	n/a ⁽¹¹⁾	36	23
Sécurité incendie de Montréal			
All departments included	5	11	10
TOTAL	462	468	571

(9) New department within Ville de Montréal, since 2007.

(10) This department no longer exists within Ville de Montréal. See note 11.

(11) Files concerning "parking agents" : see note 10.

Table 8

Requests falling under Central departments' jurisdiction - By subject

(Including "Charter files")

DEPARTMENT / SUBJECT	NUMBER (2008)	%
Affaires corporatives		
Direction des affaires pénales et criminelles		
Conduct of an employee	7	2.22
Court decision	30	9.52
Municipal court	90	28.57
Direction du contentieux		
Conduct of an employee	3	0.95
Financial compensation (aqueduct / sewer)	2	0.63
Financial compensation (climate event)	3	0.95
Financial compensation (fall on sidewalk)	28	8.89
Financial compensation (municipal pound)	5	1.58
Financial compensation (municipal works)	30	9.52
Financial compensation (other)	19	6.03
Financial compensation (potholes)	11	3.49
Financial compensation (road incident)	3	0.95
Financial compensation (tree)	4	1.27
Direction du greffe		
Access to information	5	1.58
Application of by-laws	1	0.32
Direction de l'administration et du soutien opérationnel (municipal pound)		
Pound (other)	2	0.63
Pound (storage of furniture)	60	19.05
Direction de l'évaluation foncière		
Evaluation / Real estate tax	11	3.49
Direction de l'approvisionnement		
Tender	1	0.32
TOTAL	315	100%

Table 8 (continued)

Requests falling under Central departments' jurisdiction - By subject

(Including "Charter files")

DEPARTMENT / SUBJECT	NUMBER (2008)	%
Direction générale		
Direction des communications et des relations avec les citoyens		
Communications	1	100
TOTAL	1	100%
Finances		
Direction des revenus et de la planification fiscale		
Application of by-laws	1	2.32
Evaluation / Real estate tax	20	46.51
Miscellaneous	1	2.32
Tax (except real estate)	21	48.83
TOTAL	43	100%
Développement culturel, qualité du milieu de vie et diversité ethnoculturelle		
Direction du développement culturel		
Library	2	18.18
Direction des sports		
Parks and green spaces	1	9.09
Sports and leisure	2	18.18
Direction des grands parcs et de la nature en ville		
Miscellaneous	2	18.18
Parks and green spaces	1	9.09
Direction des Muséums nature de Montréal		
Financial compensation (other)	1	9.09
Bureau du Mont-Royal		
Parks and green spaces	2	18.18
TOTAL	11	100%

Table 8 (continued)

Requests falling under Central departments' jurisdiction - By subject

(Including "Charter files")

DEPARTMENT / SUBJECT	NUMBER (2008)	%
Capital humain		
All departments included		
Labour relations	27	100
TOTAL	27	100%
Mise en valeur du territoire et du patrimoine		
Direction des immeubles		
Subsidy other than housing	1	5.88
Direction de l'habitation		
Conduct of an employee	2	11.76
Subsidy other than housing	11	64.7
Direction stratégie et transactions immobilières		
Alley	1	5.88
Miscellaneous	2	11.76
TOTAL	17	100%
Infrastructures, transport et environnement		
Application of by-laws	1	10
Communications	1	10
Environment / Sustainable development	1	10
Garbage / Recycling	1	10
Tenders	1	10
Direction des transports		
Communications	1	10
Road works / Public works	1	10
Direction de la réalisation des travaux		
Miscellaneous	1	10
Direction de l'eau		
Aqueduct / Sewer	2	20
TOTAL	10	100%

Table 8 (continued)

Requests falling under Central departments' jurisdiction - By subject

(Including "Charter files")

DEPARTMENT / SUBJECT	NUMBER (2008)	%
Police		
Direction des communications opérationnelles		
Application of by-laws	1	0.73
Pound (other)	1	0.73
Taxi	3	2.19
Towing	2	1.46
Transportation	1	0.73
Direction du service de police		
Access to information	5	3.65
Application of by-laws	5	3.65
Conduct of an employee	48	35.04
Financial compensation (other)	1	0.73
Labour relations	2	1.46
Nuisance	3	2.19
Parking / SRRR / Vignettes	1	0.73
Pound (other)	2	1.46
Towing	8	5.84
Traffic	2	1.46
Violation of law	29	21.46
Direction des opérations corporatives		
Conduct of an employee	5	3.65
Parking / SRRR / Vignettes	18	13.14
TOTAL	137	100%
Sécurité incendie de Montréal		
All departments included		
Access to information	1	10
Conduct of an employee	2	20
Fire / Public safety	6	60
Parking / SRRR / Vignettes	1	10
TOTAL	10	100%

Table 9

Results of requests falling under Central departments' jurisdiction

(Including "Charter files")

DEPARTMENT	Total Number	Withdrawal by citizens before investigation	Request referred VdM before investigation	Request denied before investigation	Withdrawal by citizens during investigation	Request redirected during investigation	Request ill-founded	Resolved by mediation	Recommendation	Commitment	Follow-up on commitment	Still pending
Affaires corporatives												
Direction des affaires pénales et criminelles	127	3	58	55	0	0	6	5	0	0	0	0
Direction du contentieux	108	0	4	101	0	1	2	0	0	0	0	0
Direction du greffe	6	0	1	5	0	0	0	0	0	0	0	0
Direction de l'administration et du soutien opérationnel (municipal pound)	62	6	1	3	1	0	2	1	45	0	0	3
Direction de l'évaluation foncière	11	0	4	6	0	1	0	0	0	0	0	0
Direction de l'approvisionnement	1	0	0	1	0	0	0	0	0	0	0	0
TOTAL	315	9	68	171	1	2	10	6	45	0	0	3
Direction générale												
Direction des communications et des relations avec les citoyens	1	0	1	0	0	0	0	0	0	0	0	0
TOTAL	1	0	1	0	0	0	0	0	0	0	0	0
Finances												
Direction des revenus et de la planification fiscale	43	1	37	2	0	0	1	2	0	0	0	0
TOTAL	43	1	37	2	0	0	1	2	0	0	0	0

Table 9 (continued)

Results of requests falling under Central departments' jurisdiction
(Including "Charter files")

DEPARTMENT	Total Number	Withdrawal by citizens before investigation	Request referred VdM before investigation	Request denied before investigation	Withdrawal by citizens during investigation	Request redirected during investigation	Request ill-founded	Resolved by mediation	Recommendation	Commitment	Follow-up on commitment	Still pending
Développement culturel, qualité du milieu de vie et diversité ethnoculturelle												
Direction du développement culturel	2	0	2	0	0	0	0	0	0	0	0	0
Direction des sports	3	0	3	0	0	0	0	0	0	0	0	0
Direction des grands parcs et de la nature en ville	3	0	0	0	0	0	0	2	0	0	1	0
Direction des Muséums nature de Montréal	1	0	0	0	0	0	0	1	0	0	0	0
Bureau du Mont-Royal	2	0	2	0	0	0	0	0	0	0	0	0
TOTAL	11	0	7	0	0	0	0	3	0	0	1	0
Capital humain												
All departments included	27	0	0	27	0	0	0	0	0	0	0	0
TOTAL	27	0	0	27	0	0	0	0	0	0	0	0
Mise en valeur du territoire et du patrimoine												
Direction des immeubles	1	0	1	0	0	0	0	0	0	0	0	0
Direction de l'habitation	13	0	6	1	0	0	5	1	0	0	0	0
Direction stratégie et transactions immobilières	3	0	0	0	0	0	0	2	0	0	0	1
TOTAL	17	0	7	1	0	0	5	3	0	0	0	1

Table 9 (continued)

Results of requests falling under Central departments' jurisdiction

(Including "Charter files")

DEPARTMENT	Total Number	Withdrawal by citizens before investigation	Request referred VdM before investigation	Request denied before investigation	Withdrawal by citizens during investigation	Request redirected during investigation	Request ill-founded	Resolved by mediation	Recommendation	Commitment	Follow-up on commitment	Still pending
Infrastructures, transport et environnement												
Direction de l'environnement et du développement durable	5	0	3	0	0	0	2	0	0	0	0	0
Direction des transports	2	0	2	0	0	0	0	0	0	0	0	0
Direction de la réalisation des travaux	1	0	1	0	0	0	0	0	0	0	0	0
Direction de l'eau	2	0	0	0	0	0	0	0	0	1	0	1
TOTAL	10	0	6	0	0	0	2	0	0	1	0	1
Service de police												
Direction des communications opérationnelles	8	0	5	0	0	0	2	1	0	0	0	0
Direction du service de police	106	2	13	84	0	1	1	2	0	1	0	2
Direction des opérations corporatives	23	0	7	16	0	0	0	0	0	0	0	0
TOTAL	137	2	25	100	0	1	3	3	0	1	0	2
Sécurité incendie de Montréal												
All departments included	10	0	5	2	0	0	0	2	0	0	0	1
TOTAL	10	0	5	2	0	0	0	2	0	0	0	1
GRAND TOTAL	571	12	156	303	1	3	21	19	45	2	1	8

Table 10

Requests concerning para-municipal agencies, City-controlled corporations or other organizations or corporations

(Including "Charter files")

ENTITY	NUMBER		
	2006	2007	2008
Commission des services électriques de Montréal	0	1	1
Corporation Anjou 80	0	1	0
Corporation de gestion des marchés publics	0	1	0
Office municipal d'habitation de Montréal (OMHM)	60	62	96
Société du parc Jean-Drapeau	2	4	2
Société d'habitation et de développement de Montréal (SHDM)	4	14	9
Société de transport de Montréal	20	18	30
Société en commandite Stationnement de Montréal	8	7	3
Private pound ⁽¹²⁾	0	1	0
TOTAL	94	109	141

(12) Most of private pound files fall under the SPVM's jurisdiction.

Table 11

Requests concerning para-municipal agencies, City-controlled corporations or other organizations or corporations – By subject

(Including "Charter files")

ENTITY	SUBJECT	NUMBER (2008)	%
Commission des services électriques de Montréal	Nuisance	1	100
	TOTAL	1	100%
Office municipal d'habitation de Montréal (OMHM)	Animal	1	1.04
	Aqueduct / Sewer	1	1.04
	Cleanliness	2	2.08
	Conduct of an employee	3	3.13
	Court decision	1	1.04
	Financial compensation (fall on sidewalk)	1	1.04
	Financial compensation (other)	3	3.13
	Handicapped person	6	6.25
	Social housing / HLM / Housing subsidies	76	79.17
	Parking / SRRR / Vignettes	1	1.04
	Public health	1	1.04
TOTAL	96	100%	
Société du parc Jean-Drapeau	Cycling path	1	50
	Noise	1	50
	TOTAL	2	100%
Société d'habitation et de développement de Montréal (SHDM)	Financial compensation (other)	1	11.11
	Miscellaneous	1	11.11
	Social housing / HLM / Housing subsidies	5	55.55
	Subsidy other than housing	2	22.22
TOTAL	9	100%	

Table 11 (continued)

**Requests concerning para-municipal agencies,
City-controlled corporations or other organizations
or corporations – By subject**

(Including "Charter files")

ENTITY	SUBJECT	NUMBER (2008)	%
Société de transport de Montréal	Access to information	1	3.33
	Cleanliness	1	3.33
	Conduct of an employee	4	13.33
	Financial compensation (other)	2	6.66
	Labour relations	2	6.66
	Miscellaneous	1	3.33
	Transportation	16	53.33
	Universal access	1	3.33
	Violation of law	2	6.66
TOTAL		30	100%
Société en commandite Stationnement de Montréal	Parking / SRRR / Vignettes	3	100
	TOTAL	3	100%

Table 12

Results of requests concerning para-municipal agencies, City-controlled corporations or other organizations or corporations

(Including "Charter files")

DEPARTMENT	Total Number	Withdrawal by citizens before investigation	Request referred VdM before investigation	Request denied before investigation	Withdrawal by citizens during investigation	Request redirected during investigation	Request ill-founded	Resolved by mediation	Recommendation	Commitment	Follow-up on commitment	Still pending
Commission des services électriques de Montréal	1	0	1	0	0	0	0	0	0	0	0	0
Office municipal d'habitation de Montréal	96	5	62	8	1	1	11	5	0	0	0	3
Société du parc Jean-Drapeau	2	0	1	0	0	0	0	0	0	1	0	0
Société d'habitation et de développement de Montréal	9	0	6	1	0	0	2	0	0	0	0	0
Société de transport de Montréal	30	0	0	30	0	0	0	0	0	0	0	0
Société en commandite Stationnement de Montréal	3	0	1	1	0	0	0	0	0	0	0	1
GRAND TOTAL	141	5	71	40	1	1	13	5	0	1	0	4

Table 13

Requests concerning political entities⁽¹³⁾

(Including "Charter files")

ENTITY	2006	2007	2008
Agglomeration Council	1	0	0
City Council	10	8	8
Executive Committee	33	6	6
Mayor's office	2	0	0
TOTAL	46	14	14

(13) Requests concerning a Borough Council are included in tables 4, 5, and 6.

Table 14

Requests concerning political entities – By subject

(Including "Charter files")

ENTITY	SUBJECT	NUMBER (2008)	%
City Council	Aqueduct / Sewer	2	25
	Conduct of an employee	1	12.5
	Decision of the City Council	2	25
	Human rights	1	12.5
	Public participation	1	12.5
	Transportation	1	12.5
TOTAL		8	100%
Executive Committee	Conflict of interests	1	16.66
	Decision of the Executive Committee	1	16.66
	Snow removal	4	66.66
TOTAL		6	100%

Table 15

Results of requests concerning political entities

(Including "Charter files")

DEPARTMENT	Total Number	Withdrawal by citizens before investigation	Request referred VdM before investigation	Request denied before investigation	Withdrawal by citizens during investigation	Request redirected during investigation	Request ill-founded	Resolved by mediation	Recommendation	Commitment	Follow-up on commitment	Still pending
City Council	8	1	0	3	0	0	4	0	0	0	0	0
Executive Committee	6	0	0	5	0	0	1	0	0	0	0	0
GRAND TOTAL	14	1	0	8	0	0	5	0	0	0	0	0

Table 16

Evolution of requests from 2004 to 2008

(Including "Charter files")

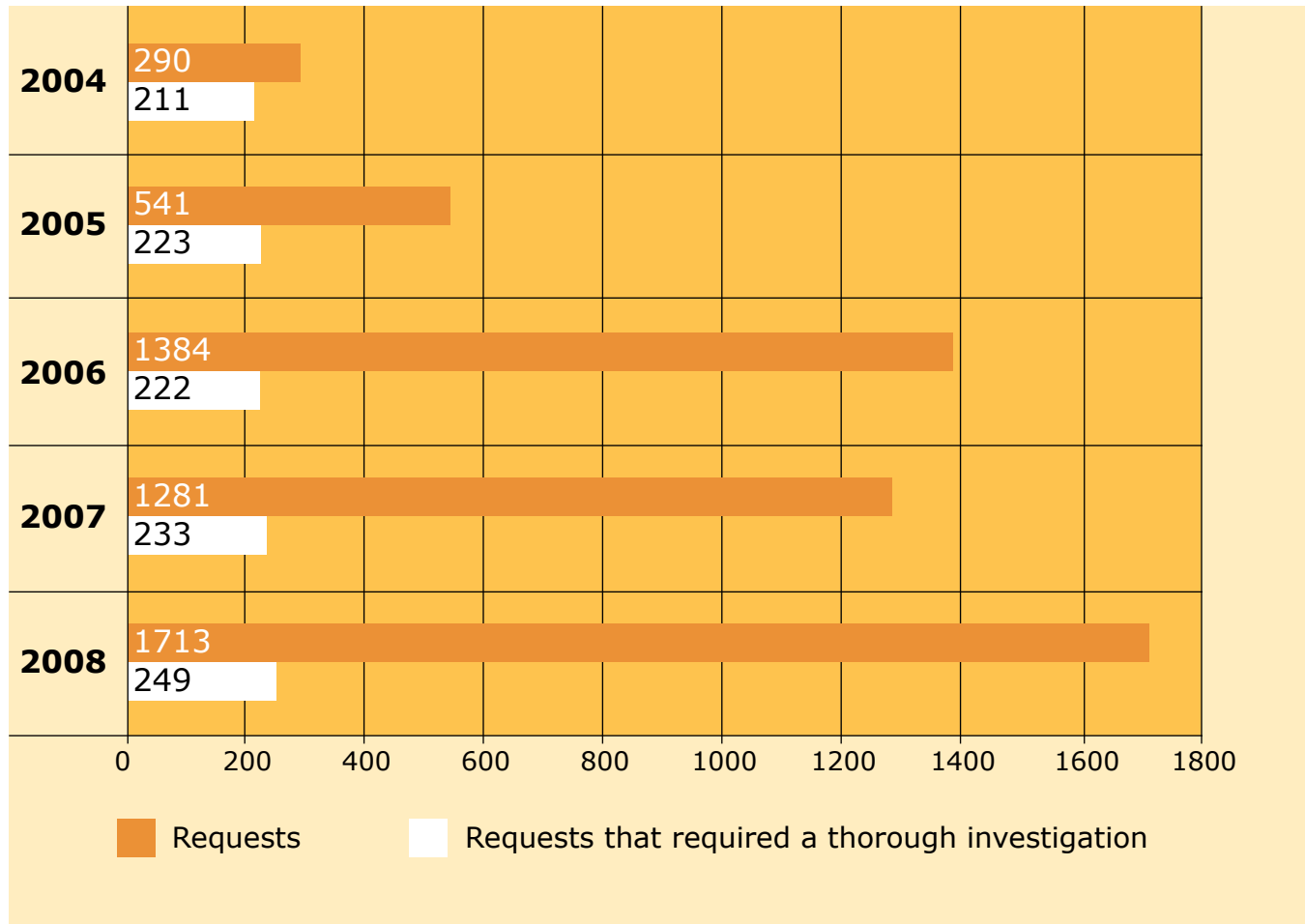


Table 17

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 January 1, 2009	TOTAL	Average delay in working days
2006	1142	47	33	39	62	26	10	25	0	1384	8.49
%	82.51	3.40	2.38	2.82	4.48	1.88	0.72	1.81	0.00	100%	days
2007	1055	33	22	42	50	32	15	32	0	1281	9.99
%	82.36	2.57	1.72	3.28	3.90	2.50	1.17	2.50	0.00	100%	days
2008	1448	51	35	42	62	22	13	15	25	1713	5.28
%	84.53	2.98	2.04	2.45	3.62	1.28	0.76	0.88	1.46	100%	days

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	Files still pending as of January 1, 2009	TOTAL	Average delay in working days
2006	28	16	21	37	60	26	10	24	0	222	8.49
%	12.61	7.21	9.36	16.67	27.03	11.71	4.50	10.81	0.00	100%	days
2007	20	24	18	42	50	32	15	32	0	233	9.99
%	8.59	10.30	7.72	18.05	21.46	13.73	6.44	13.73	0.00	100%	days
2008	14	25	31	42	62	22	13	15	25	249	5.28
%	5.62	10.04	12.45	16.87	24.90	8.84	5.22	6.02	10.04	100%	days

Table 18

Final settlement or final response period – Requests falling under boroughs’ jurisdiction

(Including “Charter files”)

Requests that required a thorough investigation only

BEWARE – These data must be interpreted with prudence, moreover when the number of files is not significant. Various factors, such as its complexity, can influence a file’s final settlement or final response period. A long final settlement period does not necessarily means a lack of cooperation from the concerned borough.

BOROUGH	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 January 1, 2009	TOTAL	Average delay in working days
Ahuntsic – Cartierville	0	0	0	0	6	1	0	1	1	9	48 days
Anjou	1	0	1	1	1	0	0	0	0	4	15.25 days
Côte-des-Neiges–Notre-Dame-de-Grâce	1	2	1	1	3	2	3	2	3	18	49.87 days
L’Île-Bizard–Sainte-Geneviève	0	0	0	0	3	0	0	0	0	3	35.67 days
Lachine	0	0	0	1	0	2	0	0	0	3	42.33 days
LaSalle	0	0	3	0	0	1	0	0	0	4	20.5 days
Le Plateau Mont-Royal	0	0	2	0	4	2	1	0	4	13	40.44 days
Le Sud-Ouest	0	0	0	0	2	0	1	0	1	4	45.67 days
Mercier–Hochelaga-Maisonneuve	1	1	0	1	3	2	1	2	1	12	54.09 days
Montréal-Nord	0	0	0	0	0	0	0	1	0	1	99 days
Outremont	0	0	1	0	0	0	0	0	0	1	7 days

Table 18 (continued)

**Final settlement or final response period –
Requests falling under boroughs' jurisdiction**

(Including "Charter files")

BOROUGH	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 January 1, 2009	TOTAL	Average delay in working days
Pierrefonds–Roxboro	0	0	0	1	2	0	0	0	0	3	22.33 days
Rivière-des-Prairies–Pointe-aux-Trembles	0	0	0	0	2	0	1	1	1	5	75.25 days
Rosemont–La Petite-Patrie	1	0	0	1	4	1	1	0	1	9	36.75 days
Saint-Laurent	0	0	0	0	0	0	1	0	0	1	81 days
Saint-Léonard	0	0	0	2	0	0	1	0	0	3	39 days
Verdun	0	0	0	0	2	0	0	0	1	3	27 days
Ville-Marie	1	2	3	5	2	1	1	4	4	23	47.47 days
Villeray–Saint-Michel–Parc-Extension	0	1	0	0	1	2	1	1	0	6	54.33 days
Special investigations concerning all boroughs	0	0	0	1	0	1	0	0	0	2	39.50 days
TOTAL	5	6	11	14	35	15	12	12	17	127	44.84 days

Table 19

Final settlement or final response period – Requests falling under Central departments’ jurisdiction

(Including “Charter files”)

Requests that required a thorough investigation only

BEWARE – These data must be interpreted with prudence, moreover when the number of files is not significant. Various factors, such as its complexity, can influence a file’s final settlement or final response period. A long final settlement period does not necessarily means a lack of cooperation from the concerned department.

DEPARTMENT	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 January 1, 2009	TOTAL	Average delay in working days
Affaires corporatives											
Direction des affaires pénales et criminelles	2	3	5	1	0	0	0	0	0	11	6 days
Direction du contentieux	0	0	2	1	0	0	0	0	0	3	10 days
Direction de l’administration et du soutien opérationnel (municipal pound)	6	6	5	12	16	3	0	1	3	52	26.08 days
Direction de l’évaluation foncière	0	1	0	0	0	0	0	0	0	1	4 days
Finances											
Direction des revenus et de la planification fiscale	0	0	0	0	3	0	0	0	0	3	33.33 days
Développement culturel, qualité du milieu de vie et diversité ethnoculturelle											
Direction des grands parcs et de la nature en ville	0	0	0	0	2	1	0	0	0	3	41.33 days
Direction des Muséums nature de Montréal	0	0	0	1	0	0	0	0	0	1	15 days

Table 19 (continued)

**Final settlement or final response period –
Requests falling under Central departments' jurisdiction**

(Including "Charter files")

DEPARTMENT	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 January 1, 2009	TOTAL	Average delay in working days
Mise en valeur du territoire et du patrimoine											
Direction de l'habitation	0	0	0	4	0	1	1	0	0	6	34.17 days
Direction stratégie et transactions immobilières	0	0	0	0	1	1	0	0	1	3	46.5 days
Infrastructures, transport et environnement											
Direction de l'environnement et du développement durable	0	0	0	1	1	0	0	0	0	2	23 days
Direction de l'eau	0	0	0	0	0	0	0	1	1	2	96 days
Service de police											
Direction des communications opérationnelles	0	2	0	1	0	0	0	0	0	3	8.67 days
Direction du service de police	0	2	0	2	1	0	0	0	2	7	13.6 days
Sécurité incendie de Montréal											
All departments included	0	0	0	1	0	0	0	1	1	3	91 days

Table 20

Final settlement or final response period – Requests concerning para-municipal agencies, City-controlled corporations or other organizations or corporations

(Including "Charter files")

Requests that required a thorough investigation only

BEWARE – These data must be interpreted with prudence, moreover when the number of files is not significant. Various factors, such as its complexity, can influence a file's final settlement or final response period. A long final settlement period does not necessarily means a lack of cooperation from the concerned department.

ENTITY	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 January 1, 2009	TOTAL	Average delay in working days
Office municipal d'habitation de Montréal	0	4	6	2	5	1	0	0	3	21	18.06 days
Société du parc Jean-Drapeau	0	0	0	0	0	0	0	1	0	1	107 days
Société d'habitation et de développement de Montréal	0	0	0	1	0	0	0	1	0	2	74.5 days

Table 21

Final settlement or final response period – Requests concerning political entities

(Including "Charter files")

Requests that required a thorough investigation only

BEWARE – These data must be interpreted with prudence, moreover when the number of files is not significant. Various factors, such as its complexity, can influence a file's final settlement or final response period. A long final settlement period does not necessarily means a lack of cooperation from the concerned department.

ENTITY	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 January 1, 2009	TOTAL	Average delay in working days
City Council	0	1	1	0	2	0	0	0	0	1	69 days
Executive Committee	0	0	0	0	0	1	0	0	0	4	20.25 days

Table 22

Submission of requests (mode)

MODE	NUMBER IN 2007	%	NUMBER IN 2008	%
E-mail	119	9.28	134	7.82
Fax	44	3.43	59	3.44
In person	190	14.83	238	13.89
Mail	81	6.33	93	5.43
Telephone	847	66.13	1189	69.12
TOTAL	1281	100%	1713	100%

Table 23

Demographic data

A. Gender

GENDER	NUMBER	%
Man	865	50.49
Woman	848	49.5
TOTAL	1713	100%

B. Language

LANGUAGE	NUMBER	%
English	303	17.69
French	1410	82.31
TOTAL	1713	100%

C. Age group ⁽¹⁴⁾

AGE GROUP	NUMBER	%
18-25	18	1.05
26-50	824	48.1
51-64	357	20.84
65 or more	185	10.8
Unknown	329	19.2
TOTAL	1713	100%

D. Origin ⁽¹⁵⁾

ORIGIN	NUMBER	%
Canadian	987	57.62
Ethnocultural or visible minority	238	13.89
Unknown	488	28.49
TOTAL	1713	100%

(14) This information has been provided on a voluntary basis: 80.79% of respondents have confirmed their age group.

(15) This information has been provided on a voluntary basis : 71.51% of respondents have given this information.

V Summary of Recommendations issued in 2008 – All files included



We always prioritize alternative dispute resolution modes, through negotiation, conciliation and mediation, and we leave no stone unturned to achieve good results. Since the creation of the office, we issue formal **RECOMMENDATIONS** only when such avenue is absolutely necessary. This approach explains why, in the majority of cases where a problem has been identified, the concerned borough or central department normally accepts to rectify the problematic situations voluntarily.

In some instances, however, this voluntary collaboration comes after lengthy discussions and/or just before an impending **RECOMMENDATION** is formally issued.

Formal **RECOMMENDATIONS** are issued when the City representative we are dealing with does not have authority to derogate from the rules normally applied, or when our efforts with the concerned entities did not produce the results we had hoped for.

During the year 2008, the **OMBUDSMAN DE MONTRÉAL** issued **48** formal **RECOMMENDATIONS**. Here is a glimpse:

Formal **RECOMMENDATION** to Arrondissement d'Anjou asking that it undertakes that, during any future *Santa's parade* and any other similar event, all the streets within the area do not simultaneously become inaccessible for all drivers; that citizens living in the said area are never completely enclosed; and that these streets be closed only for the period of time necessary and be reopened immediately thereafter : **RECOMMENDATION** refused by the borough but in fact applied during the 2008 *Santa's parade*.

Formal **RECOMMENDATION** to Arrondissement d'Anjou asking for a reasonable extension of the usual storage period with regards to the furniture and personal goods of a citizen who had been evicted: **RECOMMENDATION** accepted.

Formal **RECOMMENDATION** to Arrondissement de Saint-Léonard for a reasonable extension of the usual storage period with regards to the furniture and personal goods of a citizen who had been evicted: **RECOMMENDATION** accepted.

45 formal **RECOMMENDATIONS** to the Division du transport, de la fourrière et de la disposition in order to reduce the amounts citizens had to pay to retrieve their moveable property from the Municipal pound, following their eviction, OR in order to reasonably extend the delays for the storage of their property: all of these **RECOMMENDATIONS** were accepted.



VI The OMBUDSMAN DE MONTRÉAL's action plan for 2009

The **OMBUDSMAN DE MONTRÉAL** and her team began the year 2009 under the theme "**A resource to be known**".

STRUCTURE AND ORGANIZATION

As usual, the entire **OMBUDSMAN DE MONTRÉAL** team will continue to:

- Treat all citizens with justice and equity;
- Offer an attentive and personal service, paying attention to citizens' needs and concerns;
- Protect, as much as possible, the confidentiality of the information gathered in the course of its interventions and investigations;
- Be meticulous and show exemplary ethics in the accomplishment of our work;
- Ensure regular and strict follow-ups in all our files;
- Promote a fair balance between citizens' rights and municipal responsibilities; and
- Ensure the respect, by City employees, representatives and elected officials, of the undertakings contained in the *Montréal Charter of Rights and Responsibilities*.

NEW OFFICES

As of spring 2009, we will finally be housed in new offices, still on the ground floor of City Hall: our coordinates will remain the same. Once proper adjustment work is completed, these offices will enable us to:

- proceed to the hiring of the additional personnel that we badly need;
- remain easily accessible to citizens, including people with physical limitations (proper modifications will be made, if necessary);
- offer a safe work environment to all of our employees; and
- adequately protect the confidential nature of our meetings with citizens or municipal representatives.

STORAGE OF EVICTED PEOPLE'S MOVEABLE PROPERTY

The City municipal pound, where furniture and personal goods of residents living in the 9 boroughs of former Ville de Montréal were stored after an eviction, will cease its operation at the beginning of 2009. This responsibility will become a borough jurisdiction.

Our office has, therefore, approached all borough directors in order to ensure that their procedure for the gathering and storage of such moveable property are quickly specified and communicated to us. Indeed, we need this information to continue to efficiently handle the requests of citizens who are often going through very difficult financial and personal times.

The Ombudsman plans to meet with these directors, during the year 2009, to sensitize them to the importance of our interventions in these types of files, and to reassure them that any **RECOMMENDATION** of this nature will only be issued following a serious investigation and on the basis of justified financial and humanitarian considerations.

ONGOING TRAINING

Beyond the analysis of the quality of municipal services, we often intervene on delicate and complex topics, such as fundamental rights, reasonable accommodation requests, the protection of the environment, recycling, the protection of the cultural, natural and built patrimony, water management, universal access, safety, access to municipal services, and much more.

The scope of our activities being very large, the **OMBUDSMAN DE MONTRÉAL** team must pursue its efforts to ongoing training in order to maintain the high quality of its services and efficiency of its interventions.

PROMOTION OF THE OMBUDSMAN DE MONTRÉAL

In 2009, the **OMBUDSMAN DE MONTRÉAL** will pursue her efforts to make the existence of her office known and to facilitate access to her services, namely by:

- Participation in large public activities;
- Meetings with community groups and representatives from ethno-cultural communities;
- Regular contacts with organizations promoting the protection of people with special needs and rights;
- Participation in events on democracy;
- Quality media coverage; and
- Greater collaboration with the *Bureau des affaires interculturelles* of Ville de Montréal.

The **OMBUDSMAN DE MONTRÉAL** will also need to keep on promoting her office within Ville de Montréal so that even more representatives, elected officials and employees:

- Have a better knowledge of the services she offers to their citizens;
- Understand the positive impact of her interventions on the quality of their service and relation with citizens ;
- Collaborate even more in the search for solutions, when a problem is identified ;
- Understand and keep in mind the undertakings of Ville de Montréal contained in the *Montréal Charter of Rights and Responsibilities*; and
- Have a more rigorous adhesion to these undertakings.

The **OMBUDSMAN DE MONTRÉAL** will also collaborate with the personnel of the *Sommet de Montréal* in activities aimed at promoting citizens' democratic rights.

She will also continue to offer her collaboration to any other city or organization that wishes to offer an Ombudsman's service to its citizens or users.

VII The Montréal Charter of Rights and Responsibilities





VII The Montréal Charter of Rights and Responsibilities

A. 2008 Activity Report

The *Montréal Charter of Rights and Responsibilities* came into effect on January 1st, 2006. To the best of our knowledge, is a unique document. Indeed, UNESCO and UN-HABITAT have shown great interest in this *Charter* because they consider it as a model to be followed.

The *Charter* is binding on all managers and elected officials of Ville de Montréal and the only recourse available, to ensure its respect, is a complaint to the **OMBUDSMAN DE MONTRÉAL**: in a way, therefore, we are its official “guardian”.

When the commitments of this *Charter* are at stake, the **OMBUDSMAN DE MONTRÉAL** can intervene and investigate, even in regards to decisions voted by the Executive Committee, the City Council or a Borough Council.

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

PROMOTION OF THE *CHARTER*

The **OMBUDSMAN DE MONTRÉAL** continues to promote and demystify the *Montréal Charter of Rights and Responsibilities* through the many conferences she gives and her participation in many discussion panels on its content and its scope. Many of these activities are in collaboration with representatives of the *Sommet de Montréal* or the *Chantier sur la démocratie*.

The Ombudsman also takes every possible occasion to remind municipal representatives and elected officials of their duties and commitments, under the said *Charter*.

MAIN COMMITMENTS UNDER *THE MONTRÉAL CHARTER OF RIGHTS AND RESPONSIBILITIES* AND OMBUDSMAN’S ROLE

The **OMBUDSMAN DE MONTRÉAL** has the duty to promote the respect of the undertakings and values of the *Montréal Charter of Rights and Responsibilities*. They relate, namely, to:

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

B. Charter files handled in 2008

Citizens who seek our assistance call upon the *Montréal Charter of Rights and Responsibilities* more and more frequently. But we do not always find a *Charter* undertaking relating to the subject of the complaint.

If the *Charter* does not apply, we still go on with our investigation and we evaluate the file on the ground of our usual criteria, namely: the legality, the reasonability, the non arbitrary nature, the justice and the equity of the contested situation.

In 2008, undertakings of the *Charter* were truly at stake in **41** of the files we examined and **40** of these complaints led to a thorough investigation.

Charter related investigations are often more complex and, therefore, it usually takes longer to finalize the investigations relating thereto: the average treatment period for these files, in 2008, was of **51.8 working days**.

The most recurrent subject we handled, in regards to the *Charter*, relates to noise nuisances. We also handled some files where special arrangements or accommodations were requested, to protect the autonomy of people with physical limitations.

EXAMPLES OF CHARTER FILES HANDLED IN 2008

- Irritants deriving from sporting activities in a public park

A citizen from Arrondissement de Rivière-des-Prairies – Pointe-aux-Trembles was complaining about various irritants deriving from the sporting activities going on in the Clémentine-de-la-Rousselière park, located near her residence.

She was complaining, namely, about the intensity of the lighting system of the softball fields, the light from it shining directly in her home. Our investigation revealed, however, that the intensity and layout of this lighting was consistent with the requirements of Québec's *Régie de la sécurité dans les sports*, for softball fields: the borough could not, therefore, modify them.

Our investigation confirmed, however, that, in spite of the applicable municipal by-law, these projectors would often remain open until midnight and, sometimes, even later. Indeed, they were turned on and off manually by a municipal employee who, if he was retained elsewhere for an emergency, could not turn off the projectors before 11 p.m.

Following our intervention, Arrondissement de Rivière-des-Prairies – Pointe-aux-Trembles accepted to install a timer that will automatically turn off these projectors at 11 p.m., every night: this timer will also be programmable "on demand" so that the projectors can be turned off earlier, whenever the planned schedule of games allows it. The borough undertook to have this timer in working order as early as the 2009 season and the Ombudsman will make the appropriate follow-up.

The citizen was also complaining about the speakers used during softball games, of the music that was sometimes incredibly loud and of the announcements made by the animators, all of which disturbed her peace and affected her quality of life. She was also contesting the fact that the borough was allowing the sale of alcohol in the park, during such games.

The use of speakers and the sale of alcohol are generally not permitted in municipal parks. The borough can grant a special authorization, however, during special events such as softball tournaments. Animation and music can, indeed, create more of an ambiance and contribute to the success of such events whereas the sale of some alcoholic drinks can ensure its profit-earning capacity: this income is often important for the concerned sports associations and for the continuation of these tournaments, in future years.

In light of these explanations, our office could not conclude that the special authorizations given to softball tournaments organizers were unreasonable, unjust or inappropriate, especially since such authorizations are only granted in a pin-pointed manner, during the summer.

Nonetheless, at our request, the borough contacted the different tournament organizers to ask them to limit the use of speakers during the evening, in order for the neighbours to be less inconvenienced.

The last aspect of the citizen's complaint related to the fact that some people would sometimes urinate around the park and even on neighbouring private grounds. At our request, signs were installed by the borough, near the softball fields, in order to inform players and spectators of the existence of public restrooms, a little further away in the park, and to indicate the way to get to them. The idea of permanent chemical restrooms was not retained, due to the high risk of vandalism.

- Special accommodation –
Temporary car shelter

A citizen from Arrondissement de Saint-Laurent, with significant physical limitations, wishes to buy a vehicle adapted to his needs in order to facilitate his travelling and preserve his autonomy. This vehicle would be equipped with a ramp at the back, allowing him to enter in and exit from it with his carrier-tricycle. This ramp is too big, however, to be deployed so as to enable safe access to the vehicle, if the vehicle is parked in his garage.

The citizen requested, therefore, a special authorization allowing him to install a "tempo" type shelter, during winter, so that this vehicle, which must be parked in the entrance of his garage to allow the use of the access ramp, is not submitted to winter's bad weather.

Unfortunately for him, the installation of a temporary car shelter is strictly forbidden in his borough and his request was, therefore, denied. This is why he sought our intervention.

Our office proceeded with a thorough investigation to verify the specific situation and the citizen's real needs: more particularly, we visited his residence and we tried to identify other satisfactory alternatives.

After analysis, it became clear: (i) that this adapted vehicle could not be used safely during winter, if not protected from the snow and; (ii) that the citizen's physical condition does not allow him to clean up the snow fallen on his vehicle or in his garage entrance. We discussed our conclusions at length with the borough to which we explained that, in our opinion, there was a real need to grant the special authorization that had been asked.

The borough finally accepted to reconsider the citizen's request and granted him the special authorization, under certain conditions, however. The citizen will be allowed to park only his adapted vehicle, under this temporary winter shelter, and he will also be required to install a pictogram clearly showing that this shelter is to be used by a handicapped person.

The citizen was very pleased with the results of our intervention.

The Ombudsman wishes to thank the management and the elected officials of Arrondissement de Saint-Laurent for their openness, for having considered seriously our point of view and for having derogated to their usual rules, the whole, in order to contribute to the autonomy of one of their citizens. This is a good demonstration of what reasonable "accommodation" is all about.



- Street configuration negatively affecting the autonomy of a blind resident

Following many citizens' complaints in regards to traffic density in their area, Arrondissement d'Ahuntsic-Cartierville had installed a low wall at the street corner of Prieur and Taché, in order to limit car traffic: the small wall was, indeed, forcing drivers to turn, instead of continuing straight ahead.

But this change in configuration had an unforeseen impact for a blind resident who regularly needs to cross the street, on foot, with her guide dog, at the intersection of Prieur and Taché, in order to go to medical appointments or go about her other business.

Contrary to popular belief, it is not the guide dog which decides when its master can safely cross a street, but rather the visually impaired person himself, based on the traffic noise he hears on the street he wishes to cross. In the present instance, the new configuration was greatly altering the reliability of this traffic noise and was making the citizen's crossings, at this intersection, very hazardous. Her autonomy was, therefore, greatly diminished.

Though justifiable in other respects, the new configuration had an unforeseen, but serious, impact on the safety of this visually impaired citizen. It was, therefore, advisable to find a solution to balance this person individual's rights and the right of other citizens of this neighbourhood to a safe environment.

Following our discussions, the borough recognized that the situation deserved consideration. After careful analysis and many consultations, the new installation was withdrawn so this citizen could once again safely cross this intersection.

As for the problem of traffic density, the borough implemented, elsewhere, new arrangements aiming to limit transit traffic in the same neighbourhood.

- Protection of patrimony and safety – Municipal pool

A citizen was complaining that the installations of an indoor municipal pool were not adequate for elderly people. This pool is located in a patrimonial building built in the '30s.

This pool is not equipped with conventional ladders with handles to enter and exit the water, but rather with steps built in the pool's ceramic walls, on the side of which poles with handles are anchored to the top side of the pool. A special lift is also available at this pool which the employees can use, when needed, to enter or exit people in/out of the pool.

Our investigation showed that the building where the pool is located had recently undergone major renovations during which Arrondissement Le Plateau Mont-Royal had taken particular care to protect its patrimonial characteristics.

After serious analysis, the **OMBUDSMAN DE MONTRÉAL** concluded that the current installations offer adequate access to swimmers, including elderly people or those with reduced mobility, all the while protecting the patrimonial aspect of the building and that the borough had not acted in an arbitrary, unreasonable or discriminatory manner by refusing to install a more traditional ladder, in this pool. It should be noted, moreover, that the narrowness of the basin would have posed serious obstacles to the installation of such a ladder.



- Right of citizens to access their homes vs. safety concerns – A question of balance, even for Santa Claus

During the 2007 *Santa's parade* of Arrondissement d'Anjou, the quadrilateral formed by the Châteauneuf, Roi-René, Yves-Prévost and Joseph-Renaud boulevards had been completely closed between 7 p.m. and 9 p.m., for safety reasons, and no driver whatsoever could enter or exit it. A resident living inside this zone needed to get out to go to a funeral home, that same evening, but he was unable to get past the barriers and, therefore, had to turn back. He complained to our office and submitted that residents of this area were "taken hostage" during these parades.

Following an investigation, the **OMBUDSMAN DE MONTRÉAL** issued a **RECOMMENDATION** asking that, during any future parade or similar event, the borough should take all necessary measures so that: i) the streets of the affected area are not simultaneously inaccessible to local residents; ii) the citizens living in this quadrilateral are never wedged in their area; and iii) access to the area is closed only for the required period of time and reopened as quickly as possible, thereafter. Arrondissement d'Anjou refused to officially commit itself to respect our **RECOMMENDATION**.

After further discussions, however, the borough agreed that it was not acceptable to completely close off a sector where citizens live and that at least one access should remain available, in such situations. On the other hand, the borough explained that because many children attend such events, the closing of streets surrounding the parade may sometimes be required for a period longer than the parade, for safety reasons.

The **OMBUDSMAN DE MONTRÉAL** initiated a follow-up, in November 2008, to inquire as to the anticipated methods that had been planned, for the 2008 *Santa's parade*. After verification, it turned out that Arrondissement d'Anjou had respected the essence of our **RECOMMENDATION** and put into place a controlled

access allowing citizens living in the area to enter and exit the sector that was closed, at all times. The concerned residents were also adequately informed of this new arrangement, beforehand.

- Protection of trees

Regularly, citizens inquire with the **OMBUDSMAN DE MONTRÉAL** to obtain a special permission, authorizing them to cut down a tree that drops fruits, leaves and honeydew, on their property.

Though some trees can bring their share of inconvenience, we must, however, remember how important the presence of trees is, in an urban environment like Montréal, and the many benefits they bring to the community.

Beyond their undeniable esthetical impact, trees cleanse the air we breathe, provide shade during hot summer days, ensure some protection against the climate and serve as a shelter and pantry to many small animals. Ville de Montréal considers that trees must be protected and kept, except if they are sick and/or pose a serious risk and citizens must accept, therefore, the normal inconvenience that can result from the presence of trees, near their residence.

Our office generally considers this municipal approach as justified.

When a tree is infested with greenflies, sticky liquid called honeydew can fall from the tree and must be cleaned. However, an adequate and ecological treatment done in the spring can usually solve the problem. The presence of greenflies alone, therefore, will generally not justify the cutting down of a tree.

When a municipal tree is infested, our office will normally contact the Division des parcs et de l'horticulture of the concerned borough to ask this tree to be added to the list of trees to be treated regularly, to eliminate or control the presence of greenflies.

- Nuisance – Construction work early in the morning

A resident was complaining that construction work currently under way, in front of his residence, was often starting as early as 6 a.m. For a long time, the citizen had accepted the normal inconvenience caused by this construction site but he would have appreciated that construction work and noises start at a later hour.

Although the levels of noise authorized by regulation, before 7 a.m., are lower than during daytime, our investigation revealed that there is no by-law, in Arrondissement de Villeray – Saint-Michel – Parc Extension, specifically prohibiting construction work before 7 a.m.

At our request, noise measurements were taken on the construction site, before 7 a.m., in order to evaluate the noise intensity. The tests results confirmed that early noises were beyond the levels authorized by the applicable by-law and a *Statement of offence* was, therefore, issued.

Borough representatives also met with the owners of the building under construction, as well as with the site managers, to sensitize them to the impact of noise nuisances for the residents living nearby: they undertook to no longer begin construction work before 7 a.m., except in very exceptional circumstances.

We followed up with the complainant who confirmed that construction work no longer started before 7 a.m.: he was completely satisfied with the results of our intervention.

- Clear and sufficient information – Subsidy program

A citizen was complaining about the fact that Ville de Montréal promotional tools for the *Rénovation à la carte* Subsidy Program lacked clarity and, more specifically, the English version: indeed, the English text referred to a requirement of having “at least six units” in the building, without specifying that these units had to be *residential* ones.

We inquired with experienced translators and concluded that the English texts, in relation with this program, could be confusing.

Consequently and following our intervention, the “*Habiter Montréal*” English Web site was modified and the term “units” has been replaced by the term “dwellings”. As for modifying the information pamphlets, however, their printing costs are quite substantial and, therefore, we have accepted Service de la mise en valeur du territoire et du patrimoine’s undertaking that, as soon as a new print is required, the texts of the pamphlet will be rectified in the same manner.

- Patrimony and renovations: clearer standards and requirements

A citizen who needed a *Transformation permit* in order to renovate the balconies of her property complained that citizens did not have access to sufficient information on the requirements and standards applied by the borough’s permits office and that these requirements and standards were not clear enough.

Following the analysis of her initial request, a municipal architect had, indeed, informed this citizen that the new balconies she was planning to install could not be approved because they did not recapture the shape and appearance of the existing balconies. As a result, the citizen had to pay additional fees to have her initial project modified before the permit could be granted.

Her property is located in a *significant area*, as defined in the *Règlement d'urbanisme de l'arrondissement Rosemont – Petite-Patrie* which contains various rules aiming at preserving the architectural characteristics and patrimonial value of the designated areas as well as of the buildings located therein. Under the said By-Law, therefore, all the elements being replaced on a building located in a *significant area* must preserve the original shape and appearance of the old ones.

It is fitting to underline that each building located in a *significant area* may hold architectural characteristics and patrimonial value of its own. Few people, therefore, with the exception of historians and patrimonial architecture specialists, possess the required knowledge to evaluate the architectural and patrimonial value of *Plans and Estimates* attached to a citizen's request for a permit. Moreover, it would be almost impossible to specify, in writing, all of the patrimonial aspects likely to be considered, when studying such a request.

Notwithstanding this, the borough undertook to prepare *Information cards* on some aspects of the applicable regulations, namely, in regards to architectural integration and implementation plans and to the requirements regarding preservation of the architectural patrimony. Although the relevant information cannot be detailed exhaustively in these *Information cards*, they should enable citizens planning to ask for a *Transformation permit* to better understand the requirements they will have to satisfy.

A follow-up we did in the fall of 2008 confirmed that the *Information card* regarding architectural integration and implementation was now available on the borough's Web site. As for the *Information card* relating to the preservation of architectural patrimony, it should be online by spring of 2009: we will follow up in this regard.

- Pitbulls: public hazard – Myth or reality

A citizen was seeking our intervention in order for a municipal by-law to be passed for the entire Ville de Montréal territory or, in the very least, in Arrondissement de Villeray – Saint-Michel – Parc-Extension where she resides, to prohibit all Pitbull dogs. The citizen was also submitting that, failing such a by-law, all Pitbull dogs should be required to wear a muzzle.

This citizen's dog had recently died following injuries due to a Pitbull attack. She considered that this race of dogs presents a serious threat to public safety and should, therefore, be banned from our streets.

According to provincial laws, animal control falls under the jurisdiction of each borough: it is up to each borough, therefore, to decide whether or not it wants to prohibit one or more dogs breeds, on its territory, and these rules can vary from one borough to the other. In Montréal, some boroughs do prohibit Pitbulls, on their territory, but not all of them.

The **OMBUDSMAN DE MONTRÉAL** launched a thorough investigation to evaluate if it would be appropriate to recommend such a stricter by-law, in regards to this issue.

First, we found out that the *Ordre des médecins vétérinaires du Québec* and the *Faculté de médecine vétérinaire* of Université de Montréal are refusing to commit to an opinion on the danger that this breed of dogs really represents.



We then moved on to evaluate the statistics of the previous five years in regards to dog attacks on the Arrondissement de Villeray – Saint-Michel – Parc-Extension territory: the number of attacks by Pitbulls was not significant if compared with the number of attacks by other breeds, during the said time frame.

Moreover, Ville de Montréal had formed a special committee to study the question of Pitbulls, in 2006. Most boroughs participated and experts in animal behavior came to share their opinion on the matter. There was no consensus, however, in regards to the necessity to prohibit Pitbulls in order to ensure the safety of the public. According to the experts that were heard, it would be more a question of how masters treat their dog that influences a dog's behavior rather than the dog breed itself. They also underlined the fact that some Pitbulls can be docile while dogs of other breeds can be dangerous.

In light of all of the above, Arrondissement de Villeray – Saint-Michel – Parc-Extension decided not to systematically prohibit Pitbulls on its territory and we could not find this decision to be unreasonable, unjust or arbitrary.

As for the idea of requiring that all Pitbulls be required to wear a muzzle, the opinions mentioned hereinabove tend to show that dogs of all breeds could possibly have a reprehensible behavior, at one time or another: it would be difficult, therefore, to justify such an obligation, in regards to Pitbulls only.

In spite of all of our sympathy for the difficult situation the citizen had lived through, we had to take into account the neutral information we had gathered and, as a result, we did not intervene as she would have hoped. However, we remain open to reconsider our conclusions, if new studies should demonstrate, in a preponderant manner, a specific and general danger in Pitbulls.

C. Follow-ups on previous *Charter* files

- General management of noise complaints

In 2008, we handled **54** requests in regards to excessive noise which led to only **17** thorough investigations. In **1** of these cases, the citizen withdrew his request and **1** file was referred back to the borough director, during the investigation; we found that **3** files were ill-founded whereas **12** requests were settled to the satisfaction of the Ombudsman including **4** where specific undertakings were taken.

Since our muscled interventions of the past years, on the “noise management issue”, we have noticed that many boroughs show more diligence and intervene more quickly in the handling of noise complaints: noise measurements are generally taken within a shorter delay and solutions are found more rapidly.

As mentioned in earlier reports, noise problems are more frequent in boroughs where the population density is greater and where residential, commercial and industrial buildings are in proximity of each other.

Conscious this reality affects them more specifically, the representatives and elected officials of Arrondissement de Ville-Marie decided to act, in 2008, to try to improve things.



- A new technician was hired to deal specifically with this borough's noise problems. On top of measuring the intensity of noises in contentious cases, this technician also meets with merchants and residents to share information, explain the relevant by-laws and encourage people to act in a preventive manner, so as to avoid litigation and the risk of a fine. If the need arises, he can also give them advice in this regard.
- Arrondissement de Ville-Marie also increased significantly the amount of the fines that can be imposed to businesses, when their activities exceed the maximum permitted noise levels. These fines are now as follows:
 - From \$1,500 to \$3,000 for a first offence;
 - From \$3,000 to \$6,000 for the first repeated offence; and
 - From \$6,000 to \$12,000 for any additional repeated offence.

According to the information we obtained, it would appear that, since this new approach was implemented, the number of noise complaints the borough received has greatly decreased and moreover, a more harmonious cohabitation is underway, between citizens and merchants. Arrondissement de Ville-Marie may, therefore, become a model to be followed, in terms of noise management.

- Boris Bistro – Terrace noise and Quality of life

In previous reports, we referred to this specific situation where a noisy terrace impacted negatively on the quality of life of residents living in condos located behind. This file which has been active for many years, continued in 2008.

In spite of often bad weather conditions, the borough made sure, in 2008, that noise measurements were taken punctually on this terrace and that, when excessive noise was confirmed, *Statements of offence* were issued. The owner contested these *Statements*, however, and the legal process is running its course.

The more substantial fines provided for in the new by-law of Arrondissement de Ville-Marie now apply to this business and, hopefully, this will increase its dissuasive impact.

In 2009, the **OMBUDSMAN DE MONTRÉAL** will continue her regular follow-ups in this file, in the hope that a permanent solution can be found to limit the important nuisance that neighbouring residents are subjected to, when the terrace is operating on nice summer evenings, all the while allowing reasonable commercial activities. With the collaboration of all those concerned, we could certainly achieve such results.

- Protection of the natural patrimony - Angrignon urban forest

In 2006, the **OMBUDSMAN DE MONTRÉAL** had issued a **RECOMMENDATION** aimed at ensuring the long-term survival of the Angrignon “forest”, through measures which allowed for its preservation and natural regeneration.

Service du développement culturel, de la qualité du milieu de vie et de la diversité ethnoculturelle as well as Arrondissement Le Sud-Ouest had accepted this **RECOMMENDATION**, without reserve, but Arrondissement de LaSalle had refused to conform to it. Since the above central department and Arrondissement Le Sud-Ouest were responsible for the execution of all works in this forest, however, this refusal from Arrondissement de LaSalle did not seem to create a real problem.

In 2007, however, we were informed that, contrary to its undertakings, Arrondissement Le Sud-Ouest had proceeded to major reaping operations in the Angrignon forest, at the request of Arrondissement de LaSalle. We immediately contacted representatives of the borough and of the central department to inquire as to why they had proceeded with such reaping when they had agreed not to.

In 2008, therefore, we did more follow-ups which showed that:

- Clear rules had been communicated by Service du développement culturel, de la qualité du milieu de vie et de la diversité ethnoculturelle to Arrondissement Le Sud-Ouest to ensure the respect of our **RECOMMENDATION** and of the undertakings that had followed; and
- That the garbage and rubbish collection that was made in the Angrignon forest, in May 2008, was done with care and without any reaping or aggressive intervention.

- Access to borough office

In her 2007 Annual Report, the **OMBUDSMAN DE MONTRÉAL** noted the lack of access, for people with reduced mobility, to the offices of Arrondissement de Rivière-des-Prairies - Pointe-aux-Trembles and she had undertaken to pursue her interventions to resolve the problem.

In 2008, our office identified new accessibility problems with regard to this place and, therefore, we submitted further requests to the borough:

- The elevator in this building was now functional and accessible for wheelchairs but only through an entrance located at the back of the building: there was no indication at the main entrance of the building, however, to inform people in wheelchairs that such access was available and how to get there. Following our intervention, two signs were installed, one on the main entrance door and another, on the side of the building.
- During a winter visit, we also noted that the path leading to the back of the building was not adequately cleared from the snow. At our request, the borough intervened with the owners of the building and required that more specific attention be paid to snow removal, on this path.

Although this borough office is a temporary one, it will be used until the end of 2009. It was, therefore, important for us that, as long as the borough office is located there, these premises be adequately accessible to all, including people with reduced mobility.



- New computerized parking meters - Street parking – Shorter people or persons in wheelchairs

In 2007, the **OMBUDSMAN DE MONTRÉAL** had intervened with the *Société en commandite Stationnement de Montréal* (the “SCSDM”) to request that it improves the access, for people in wheelchairs or shorter people, to the new computerized paying meters used for street parking. The height of the credit card reader and the layout of the instruction screen posed specific problems. Following our suggestions, the SCSDM had finally undertaken that all new meters installed, including those to be replaced, would be 40 mm lower. At the end of 2008, we followed up on this commitment.

The SCSDM confirmed that all the meters installed during 2008 are indeed 40 mm lower than the original meters. Approximately 600 such meters would have been installed in 2008 which represents approximately 39% of all the computerized parking meters used on Ville de Montréal’s territory.

Moreover, the SCSDM used the knowledge acquired in our 2007 file when came time to plan the implementation of new payment meters that will be used for both the new “Bixi” bicycles and street parking. More particularly, our previous comments were taken into consideration in the design and concept of these new “Bixi” / parking meters and their screens and slots for credit cards or cash payments were lowered, to facilitate access for all users.

In conformity with its previous commitments, the SCSDM also modified its Web site, in 2008, to include the **list of all street parking units reserved for handicapped people**: these persons can, therefore, find them more easily and plan their outings accordingly.

Furthermore, and as agreed, the old parking meters designed specifically for the use of handicapped people were not removed, even when a new computerized meter was installed. People with physical limitations can, therefore, choose the meter which is more suitable for their needs.

As for the project regarding the implementation of a prepaid card system for street parking, the SCSDM plans to set up such a project, during the year 2009. The pilot project allowing payment by cellular phone, however, is only foreseen for the year 2010. Our office will do appropriate follow-ups on these issues.



Table 24

Requests falling under the Montréal Charter of Rights and Responsibilities

SUBJECT	SUB-CATEGORY	NUMBER
Democracy	Conflict of interests	1
	Decision of a Borough Council	1
	Public participation	3
	Subsidy other than housing	1
	SUB-TOTAL	6
Environment and Sustainable Development	Noise	13
	Nuisance	4
	Parks and green spaces	1
	Snow removal	2
	Traffic	4
	Tree	1
SUB-TOTAL	25	
Municipal Services	Aqueduct / Sewer	2
	Universal access	1
	Winter temporary shelter	1
SUB-TOTAL	4	
Recreation, Physical Activities and Sports	Sports and leisure	2
	SUB-TOTAL	2
Recreation, Physical Activities and Security	Animal	1
	Handicapped person	1
	Sports and leisure	2
	SUB-TOTAL	4
GRAND TOTAL		41

Table 25

Results of requests falling under the Montréal Charter of Rights and Responsibilities – By subject

SUBJECT	Total Number	Withdrawal by citizens before investigation	Request referred VdM before investigation	Request denied before investigation	Withdrawal by citizens during investigation	Request redirected during investigation	Request ill-founded	Resolved by mediation	Recommendation	Commitment	Follow-up on commitment	Still pending
Democracy	6	0	0	1	0	0	3	2	0	0	0	0
Environment and Sustainable Development	25	0	0	0	0	1	2	13	0	6	2	1
Municipal Services	4	0	0	0	0	0	2	2	0	0	0	0
Recreation, Physical Activities and Sports	2	0	0	0	0	0	2	0	0	0	0	0
Security	4	0	0	0	0	0	1	3	0	0	0	0
GRAND TOTAL	41	0	0	1	0	1	10	20	0	6	2	1

Table 26

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	
	Nuisance	1
	Traffic	2
	Security	
Ahuntsic – Cartierville (Borough Council)	Handicapped person	1
	Democracy	
	Public participation	1
TOTAL		5
Anjou (Administration)	Environment and Sustainable Development	
	Nuisance	1
	Traffic	1
TOTAL		2
Côte-des-Neiges – Notre-Dame-de-Grâce (Administration)	Environment and Sustainable Development	
	Tree	1
	Noise	1
	Democracy	
Côte-des-Neiges – Notre-Dame-de-Grâce (Borough Council)	Public participation	2
	TOTAL	4
L'Île-Bizard – Sainte-Geneviève (Borough Council)	Municipal Services	
	Aqueduct / Sewer	2
TOTAL		2
Le Plateau Mont-Royal (Administration)	Environment and Sustainable Development	
	Noise	3
	Recreation, Physical Activities and Sports	
	Sports and leisure	1
TOTAL		4

Table 26 (continued)

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

BOROUGH	SUBJECT / SUB-CATEGORY	NUMBER
Le Sud-Ouest (Administration)	Environment and Sustainable Development	
	Noise	1
	TOTAL	1
Mercier – Hochelaga-Maisonneuve (Administration)	Environment and Sustainable Development	
	Noise	1
	Security	
	Sports and leisure	1
TOTAL	2	
Pierrefonds – Roxboro (Administration)	Environment and Sustainable Development	
	Traffic	1
TOTAL	1	
Rivière-des-Prairies – Pointe-aux-Trembles (Administration)	Environment and Sustainable Development	
	Noise	1
	Nuisance	1
	Snow removal	1
	Municipal Services	
	Universal access	1
TOTAL	4	
Rosemont – La Petite-Patrie (Administration)	Environment and Sustainable Development	
	Noise	1
Rosemont – La Petite-Patrie (Borough Council)	Security	
	Sports and leisure	1
	Democracy	
	Decision of the Borough Council	1
TOTAL	3	

Table 26 (continued)

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

BOROUGH	SUBJECT / SUB-CATEGORY	NUMBER
Saint-Laurent (Administration)	Municipal Services	
	Winter temporary shelter	1
	TOTAL	1
Saint-Léonard (Administration)	Environment and Sustainable Development	
	Noise	1
	TOTAL	1
Verdun (Borough Council)	Recreation, Physical Activities and Sports	
	Sports and leisure	1
	TOTAL	1
Ville-Marie (Administration)	Environment and Sustainable Development	
	Noise	3
	Nuisance	1
	TOTAL	4
Villeray – Saint-Michel– Parc-Extension (Administration)	Environment and Sustainable Development	
	Noise	1
	Snow removal	1
Villeray – Saint-Michel– Parc-Extension (Borough Council)	Security	
	Animal	1
	TOTAL	3

Table 26 (continued)

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

CENTRAL DEPARTMENT	SUBJECT / SUB-CATEGORY	NUMBER
Développement culturel, qualité du milieu de vie et diversité ethnoculturelle (Direction des grands parcs et de la nature en ville)	Environment and Sustainable Development	
	Parks and green spaces	1
	TOTAL	1
Mise en valeur du territoire et du patrimoine (Direction de l'habitation)	Democracy	
	Subsidy other than housing	1
	TOTAL	1
POLITICAL ENTITY	SUBJECT / SUB-CATEGORY	NUMBER
City Council	Municipal Services	
	Aqueduct / Sewer	2
	TOTAL	2
Executive Committee	Democracy	
	Conflict of interests	1
	TOTAL	1

Table 27

Results of requests falling under the Montréal Charter of Rights and Responsibilities - By entity

ENTITY	Total Number	Withdrawal by citizens before investigation	Request referred VdM before investigation	Request denied before investigation	Withdrawal by citizens during investigation	Request redirected during investigation	Request ill-founded	Resolved by mediation	Recommendation	Commitment	Follow-up on commitment	Still pending
Ahuntsic – Cartierville (administration)	4	0	0	0	0	0	0	2	0	1	0	1
Ahuntsic – Cartierville (Borough Council)	1	0	0	0	0	0	1	0	0	0	0	0
Côte-des-Neiges – Notre-Dame-de-Grâce (administration)	2	0	0	0	0	0	1	1	0	0	0	0
Côte-des-Neiges – Notre-Dame-de-Grâce (Borough Council)	2	0	0	1	0	0	0	1	0	0	0	0
L'Île-Bizard – Sainte-Geneviève (Borough Council)	2	0	0	0	0	0	0	2	0	0	0	0
Le Plateau Mont-Royal (administration)	4	0	1	0	0	0	1	1	0	1	0	0
Le Sud-Ouest (administration)	1	0	0	0	0	0	0	0	0	1	0	0
Mercier – Hochelaga-Maisonneuve (administration)	2	0	0	0	0	0	0	2	0	0	0	0
Pierrefonds – Roxboro (administration)	1	0	0	0	0	0	0	1	0	0	0	0
Rivière-des-Prairies – Pointe-aux-Trembles (administration)	4	0	0	0	0	0	1	2	0	1	0	0
Rosemont – La Petite-Patrie (administration)	2	0	0	0	0	0	0	1	0	1	0	0
Rosemont – La Petite-Patrie (Borough Council)	1	0	0	0	0	0	1	0	0	0	0	0

Table 27 (continued)

Results of requests falling under the Montréal Charter of Rights and Responsibilities - By entity

ENTITY	Total Number	Withdrawal by citizens before investigation	Request referred VdM before investigation	Request denied before investigation	Withdrawal by citizens during investigation	Request redirected during investigation	Request ill-founded	Resolved by mediation	Recommendation	Commitment	Follow-up on commitment	Still pending
Saint-Laurent (administration)	1	0	0	0	0	0	0	1	0	0	0	0
Saint-Léonard (administration)	1	0	0	0	0	0	0	1	0	0	0	0
Verdun (Borough Council)	1	0	0	0	0	0	1	0	0	0	0	0
Ville-Marie (administration)	4	0	0	0	0	0	0	4	0	0	0	0
Villeray – Saint-Michel – Parc-Extension (administration)	2	0	0	0	0	0	0	2	0	0	0	0
Villeray – Saint-Michel – Parc-Extension (Borough Council)	1	0	0	0	0	0	1	0	0	0	0	0
Développement culturel, qualité du milieu de vie et diversité ethnoculturelle (Direction des grands parcs et de la nature en ville)	1	0	0	0	0	0	0	0	0	0	1	0
Mise en valeur du territoire et du patrimoine (Direction de l'habitation)	1	0	0	0	0	0	0	1	0	0	0	0
City Council	2	0	0	0	0	0	2	0	0	0	0	0
Executive Committee	1	0	0	0	0	0	1	0	0	0	0	0

Table 28

Final response or final settlement period "Charter files"

A. All requests included

	2006	%	2007	%	2008	%
1 to 2 working days	1	2.95	2	4.88	1	2.44
5 working days	0	0.00	0	0.00	1	2.44
10 working days	0	0.00	1	2.44	1	2.44
1 month	9	26.47	5	12.20	5	12.20
2 months	6	17.64	9	21.25	15	36.59
3 months	6	17.64	3	7.32	5	12.20
4 months	1	2.95	4	9.76	7	17.07
5 months or more	11	32.35	17	41.46	5	12.20
Files still pending as of January 1, 2009	0	0.00	0	0.00	1	2.44
TOTAL	34	100%	41	100%	41	100%
Average delay in working days	98.56 DAYS		108.56 DAYS		51.80 DAYS	

B. Requests that required a thorough investigation

	2006	%	2007	%	2008	%
1 to 2 working days	0	0.00	1	2.50	1	2.50
5 working days	0	0.00	0	0.00	0	0.00
10 working days	0	0.00	1	2.50	1	2.50
1 month	9	27.28	5	12.50	5	12.50
2 months	6	18.18	9	22.50	15	37.50
3 months	6	18.18	3	7.50	5	12.50
4 months	1	3.03	4	10.00	7	17.50
5 months or more	11	33.33	17	42.50	5	12.50
Files still pending as of January 1, 2009	0	0.00	0	0.00	1	2.50
TOTAL	33	100%	40	100%	40	100%
Average delay in working days	101.52 DAYS		111.25 DAYS		53.03 DAYS	

N.B. : Considering the low number of files falling under the Montréal Charter of Rights and Responsibilities by entity, we did not consider it important to precise the final response delay for each entity.





E. 2009 Action Plan – *Montréal Charter of Rights and Responsibilities*

The *Montréal Charter of Rights and Responsibilities* is an exceptional tool that enables Ville de Montréal to constantly evolve to better meet the needs of its citizens. It is an important *KEY TO LIVING BETTER TOGETHER*. Through her interventions, the **OMBUDSMAN DE MONTRÉAL** contributes to the achievement of this goal.

Making the existence and the scope of this *Charter* better known, not only within the City but also with the general public, remains a challenge and the **OMBUDSMAN DE MONTRÉAL** deploys much effort in this regard. In 2009, she will pursue her collaboration with the *Chantier sur la démocratie* and will continue to participate in conferences, trainings and discussion panels aimed at promoting and explaining this new legislation.

We will also remind City representatives, including in the 19 boroughs, of the commitments and undertakings it contains and which are binding them over.

The end of 2009 will mark **4 years** of application of the *Montréal Charter of Rights and Responsibilities* and, as it specifies, Ville de Montréal must hold a public consultation to evaluate its impact, its content and, if need be, the modifications it would be advisable to make. The **OMBUDSMAN DE MONTRÉAL** plans to actively participate in this public consultation.

F. Conclusion - *Charter*

The *Montréal Charter of Rights and Responsibilities* continues to require adjustments in many of the ways municipal elected officials and representatives make decisions.

These persons must develop a “*Charter reflex*”, before adopting a new policy, granting a permit, approving a resolution or authorizing an exemption, if the subject matter relates to an undertaking of the *Charter*.

The way citizens’ requests are handled and decisions are made must continue to improve to take into account this new reality. In the absence of such improvement, the Ombudsman will continue to intervene and, if the need arises, she will formally invite the City to change its decision.

As for the civil society, its interest for the *Charter* remains great. The **free** recourse to the **OMBUDSMAN DE MONTRÉAL** offered to citizens to ensure the protection of their municipal rights and the respect of the *Charter’s* undertakings provides them with opportunities to **provoke change** and **make things evolve** within Ville de Montréal.





VIII General conclusion

The **OMBUDSMAN DE MONTRÉAL** remains “**A resource to be known**”, not only by citizens but by municipal representatives as well. We can help them better understand one another and better grasp their respective expectations, constraints and needs.

The **free**, simple and efficient recourse we offer to citizens allows for the rapid identification of problems that can occur, from time to time, in the management of Ville de Montréal’s affairs, and mostly, for their quick resolution.

Municipal representatives should also understand that our role is to help them better accomplish their own mandate, which is to offer the best services possible to all citizens.

We largely contribute to the **Participative Democracy** process, by allowing citizens to express their point of view and ask that decisions they believe to be unjust or unfair be analyzed by a neutral and apolitical entity which can **make things change**.

The services we offer are of the highest quality and our delays in the handling of citizens’ requests remain exceptional.

Since the creation of the position, almost all formal **RECOMMENDATIONS** issued by the **OMBUDSMAN DE MONTRÉAL** have been accepted and been implemented by Montréal.

Attentive listening and **Empathy** remain the keys to our success.

We take the time to fully understand everyone’s point of view and we analyze all facts, with rigor and diligence, without prejudice or bias, and with a concern for justice and equity.

Our **independence**, our **autonomy** and the fact that we are completely **non-political** reassure citizens and inspire their trust.

The **OMBUDSMAN DE MONTRÉAL** is an incredible service which citizens would no longer do without. We are very proud of this.

We will therefore maintain our constant efforts in order for citizens and City representatives to understand to what extent their Ombudsman is “**A resource to be known**”.



Addendum

Glossary to better understand the nature of some requests

ACCESS TO INFORMATION

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

ACQUIRED RIGHTS

Requests in relation to acquired rights alleged for uses or constructions which have become derogatory.

ALLEY

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

ANIMAL

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

APPLICATION OF BY-LAWS

Requests relating to municipal statutes in general, on how they are applied and on the merits of a by-law; requests regarding many by-laws at one time, when connected; requests regarding a municipal by-law which does not fall under a specific category.

AQUEDUCT / SEWER

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

CLEANLINESS

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

COMMUNICATIONS

Requests relating to the communication languages; the Ville de Montréal Web site; Accès Montréal services.

CONDUCT OF AN EMPLOYEE

Complaints against employees in the execution of their functions.

CONFLICT OF INTERESTS

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

CYCLING PATH

Requests regarding the implementation or the maintenance of cycling paths.

DRIVEWAY ENTRANCE

Requests relating to the affectation or the closing down of a driveway entrance (unevenness of the sidewalk to enable the passage of a vehicle).

ENVIRONMENT / SUSTAINABLE DEVELOPMENT

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

EVALUATION / REAL ESTATE TAX

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

FENCE

Requests relating to by-laws concerning fences and hedges.

FIRE / PUBLIC SAFETY

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

GARBAGE / RECYCLING

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

HANDICAPPED PERSON

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

HUMAN RIGHTS

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

MUNICIPAL COURT

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

NOISE

Requests regarding the application of noise by-laws.

NUISANCES

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

PARKING / SRRR / VIGNETTES

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

PARKS AND GREEN SPACES

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

PERMIT

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

POUND (OTHER)

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

POUND (STORAGE OF FURNITURE AND PERSONAL BELONGINGS)

Requests from destitute citizens whose furniture and personal belongings were stored in a municipal pound following their eviction from their dwelling, and who are financially unable to retrieve them or need an extra delay to do so.

PUBLIC HEALTH

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

PUBLIC PARTICIPATION

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

ROAD WORKS / PUBLIC WORKS

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

SNOW REMOVAL

Requests relating to the status of snow removal operations; the schedule of snow removal; problems that occurred during snow removal.

SOCIAL HOUSING / HLM / HOUSING SUBSIDIES

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

SPORTS AND LEISURE

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

SUBSIDY OTHER THAN HOUSING

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

TAX (EXCEPT REAL ESTATE)

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

TAXI

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

TENDERS

Requests in regards to tenders not awarded; too restrictive tenders; or biased proceedings.

TOWING

Requests regarding the towing regulations in Montréal.

TRAFFIC

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

TREE

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

UNIVERSAL ACCESS

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

ZONING / URBAN PLANNING / EXEMPTION

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

Montréal 



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