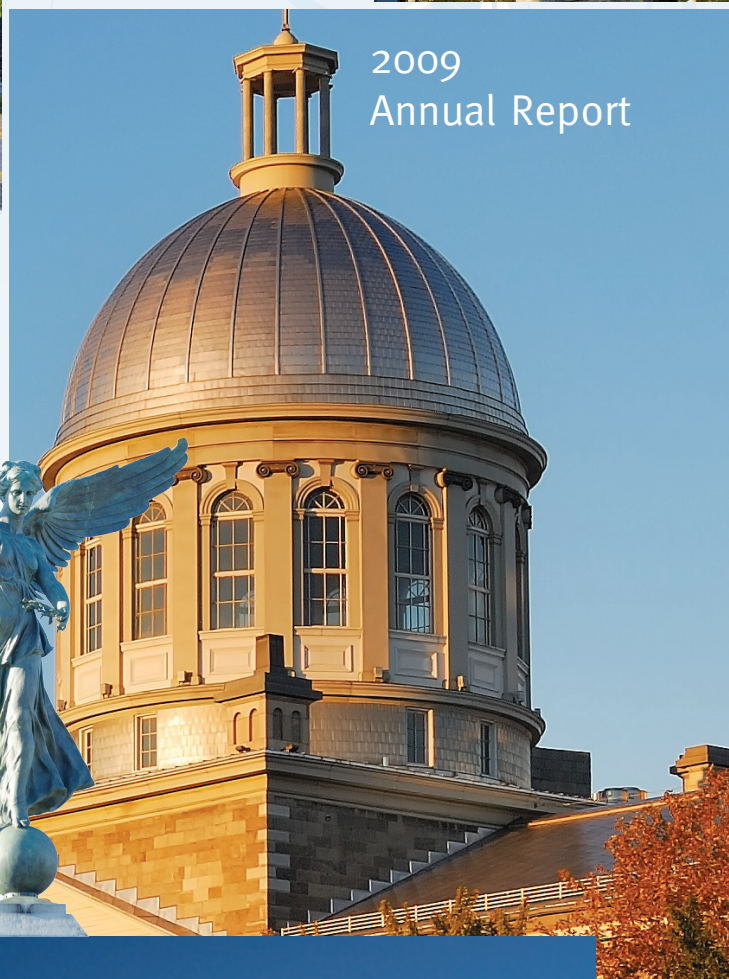




2009
Annual Report



a resource
to be known

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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 19th, 2010

Mr. Claude Dauphin
Chairman of the City Council of Ville de Montréal
275 Notre-Dame East, Suite R-134
Montréal (Québec) H2Y 1C6

RE: Annual Report of the OMBUDSMAN DE MONTRÉAL for 2009
"A resource to be known"

Mr. Chairman:

In 2009, the world celebrated the **200th anniversary of the creation of the concept of legislative ombudsmans** which appeared for the first time in the Swedish Constitution. Since 1809, thousands of citizens from around the world have discovered and appreciated how an ombudsman is, indeed, an important *Resource to be known* in order to resolve their differences with a level of government. In that context, it is an even greater pleasure for me to submit this **OMBUDSMAN DE MONTRÉAL's** Annual Report for the year 2009.

In 2009, we received nearly 1500 new requests and conducted 218 thorough investigations. Thirty seven of these requests related to commitments of the Montréal Charter of Rights and Responsibilities for which the **OMBUDSMAN DE MONTRÉAL** offers the only available recourse to ensure its respect by City managers, employees and elected officials: one chapter of our Annual Report relates specifically to the said *Charter*.

I am confident that the information you will find in this Report will be of great interest and I remain at the disposal of the City Council to answer any question or provide any additional information it may deem relevant.

Trusting the whole will be to your entire satisfaction, I remain,

Yours very truly,

Johanne Savard, Ombudsman of Ville de Montréal

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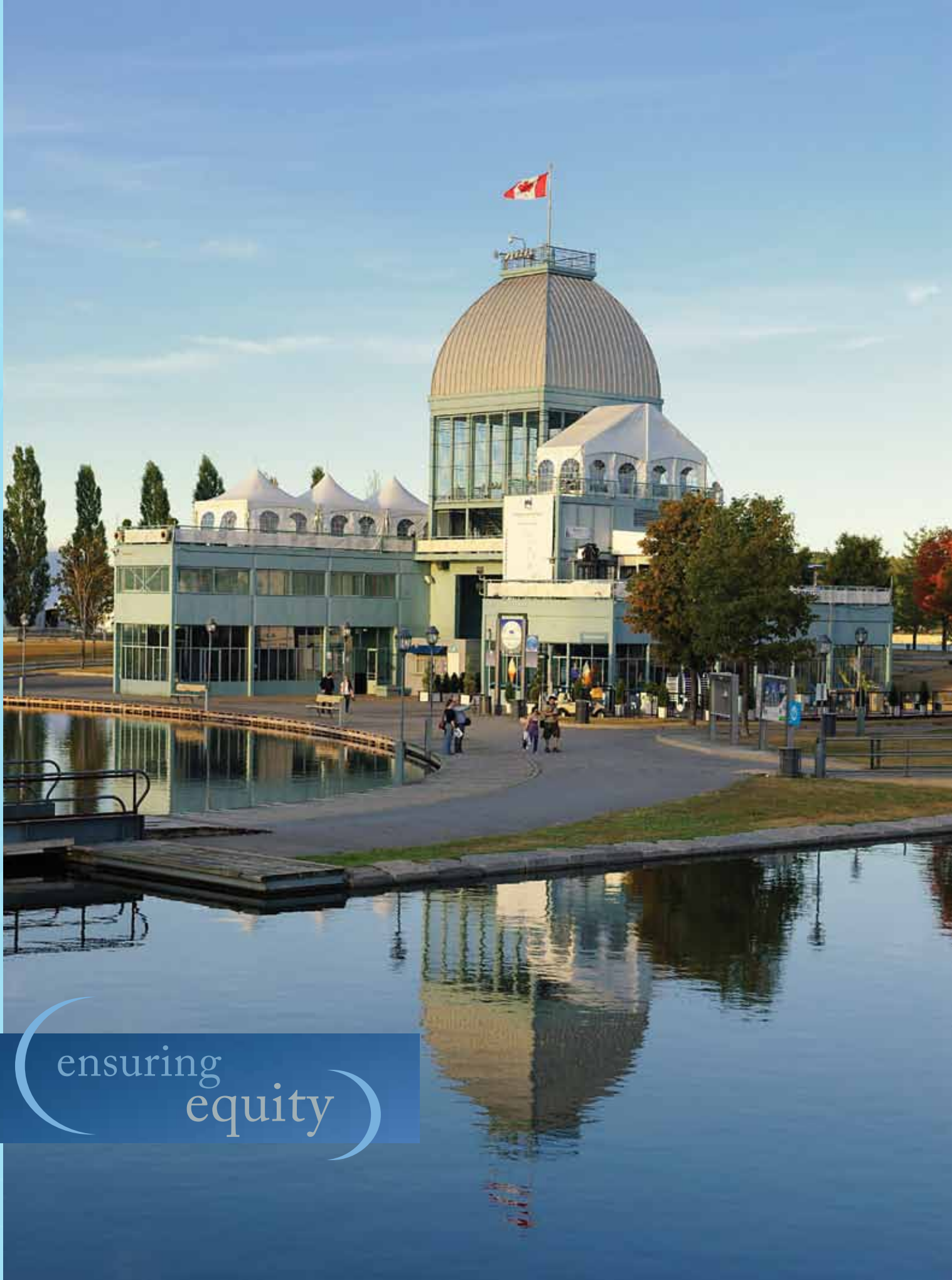
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ensuring
equity

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



TRAINING AND PROFESSIONAL EXPERIENCE

Following 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.

Moreover, Ms. Savard has completed numerous trainings in management at *École nationale d'administration publique de Montréal* (ENAP) and she is also a "Certified Mediator" recognized by the Québec Bar Association, the *Institut de Médiation et d'Arbitrage du Québec* and by the ADR Institute of Canada.

Before she became Ville de Montréal's first Ombudsman, Ms. Savard was Head of the Labour Law Department and member of the Board of Directors of a major law firm; member of the Board of Directors and of the Executive Committee of *Lex Mundi*, the world's largest international association of independent law firms; and also, the chairperson of the *Women and the Law* Committee of this association.

In 2003, Ms. Savard left the private practice of law and became the first Ombudsman of Ville de Montréal. Along with her team, she offers a last resort recourse that is simple, easily accessible and free to citizens who believe they have been treated unfairly or adversely affected by a decision or action of Ville de Montréal. She provides an independent appreciation of their file and, when she deems it relevant, she intervenes with municipal officials, on behalf of the citizens concerned, in the search of a solution to resolve the problem which has been identified. Her mandate was unanimously renewed by the City Council of Ville de Montréal in 2007.

Ms. Savard is a member of the *Forum of Canadian Ombudsmans*, the *International Ombudsmans' Association*, the *International Ombudsmans' Institute* and of the *Association des responsables de la gestion des plaintes du gouvernement du Québec*. She also sits on the Membership Committee of the *Association des ombudsmans et médiateurs de la francophonie*.

EXPERTISE

Ms. Savard has solid experience in all fields related to employment and labour law and human and fundamental rights protected by charters. For over twenty-five years, she has used alternative dispute resolution procedures 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.

Twice, she chaired the Organizing Committee of the annual fundraising ball for the Montréal Alzheimer Society.

For many years, she was member of the Board of Directors of the Rotary Club of Old Montréal, which she presided in 2005 - 2006.

Ms. Savard was twice the recipient of the *Rotarian of the Year* trophy to highlight her sustained involvement in community action. She also received, 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, the *Carrefour des Communautés* awarded her the *Médaille des arts et métiers du multiculturalisme* for the quality of her work and for her involvement "*in the legal, social and intercultural fellowship*".

From 2006 to 2008, she was a member of the *Conseil des gouverneurs* of Resto Plateau.



II The OMBUDSMAN DE MONTRÉAL, in a nutshell

CREATION OF THE POSITION

The decision to create an ombudsman position, within Ville de Montréal, resulted from the work of the *Chantier sur la démocratie* of the 2002 Montréal Summit. At the time, there was no equivalent position in any Canadian city. Ms. Savard was the first incumbent of the position.

MANDATE

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

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

The Ombudsman ensures that the decisions and actions of the City are **fair, just and reasonable** and that they have been taken in respect of the rules of **ethics** and, if the occasion should arise, of **procedural equity**.

The *By-Law concerning the ombudsman* confirms the jurisdiction of the **OMBUDSMAN DE MONTRÉAL** on most administrative decisions of Ville de Montréal. Moreover, the Ombudsman offers the only available recourse to ensure the respect of values and undertakings found in the *Montréal Charter of Rights and Responsibilities*: when a complaint is based mainly on this *Charter*, the **OMBUDSMAN DE MONTRÉAL** can even intervene with regard to decisions voted by elected officials, namely, the City Council, the Executive Committee or a Borough Council.

The **OMBUDSMAN DE MONTRÉAL** has broad investigation powers. Managers and City representatives must cooperate with her and her team and provide them with all of the information or documents they request. Upon completion of her investigation, the Ombudsman can recommend any corrective measure she deems appropriate and in the vast majority of cases, her recommendations are accepted and implemented by the City.

The **OMBUDSMAN DE MONTRÉAL** only acts as a **last resort**. The citizens who request her intervention must have previously submitted their problem to the Director of the concerned borough or department.

The **OMBUDSMAN DE MONTRÉAL** team is empathic, open and often innovative. It takes the time to listen to the citizens and their arguments are considered seriously and with impartiality. When it handles a file, it always acts without bias.

The **OMBUDSMAN DE MONTRÉAL** must respect the applicable laws. However, she is not bound by the City's "past or customary practices": she will inquire as to the origin and reason of these rules and will often use complaints as "golden opportunities" to update or modernize certain municipal practices or procedures which have been in effect for many years.

The preventive and positive impacts of the **OMBUDSMAN DE MONTRÉAL** interventions are worth of mention. The corrective measures implemented following her interventions often remedy a systemic problem and, therefore, prevent the risk of similar difficulties for other citizens.

However, the **OMBUDSMAN DE MONTRÉAL** does not have jurisdiction over any employment or labour matters nor over any of the *Société de transport de Montréal's* activities and decisions. Her jurisdiction over the *Service de police de la Ville de Montréal* is also limited and she cannot intervene in regards to acts/behaviors of peace officers. Moreover, she cannot investigate complaints related to the behaviour of City Councillors or the actions of any member of their cabinet.

MISSION

- To offer citizens an attentive ear and a new appreciation of their situation, without bias.
- To make City representatives better aware of the impact of their decisions and actions on citizens.
- To promote a better mutual understanding of fundamental rights.
- To promote **Respect, Equity** and **Procedural Equity** in all municipal and para-municipal activities.
- To act as a catalyst for changes within Ville de Montréal.
- To rapidly identify problems and, if need be, to intervene on behalf of citizens.
- 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 by all City representatives of the commitments and values contained in the *Montréal Charter of Rights and Responsibilities* as well as the obligations resulting from Québec's *Charter of Human Rights and Freedoms*.
- To promote a better **Harmonization** of services offered by the boroughs.

OUR VISION

- That owing to the **OMBUDSMAN DE MONTRÉAL's** interventions, the quality of services offered to citizens by Ville de Montréal be as good as can be.
- To ensure the evolution of Montréal municipal services to meet the evolving needs of citizens.
- That City representatives and citizens better understand their respective expectations and constraints.
- That all representatives and employees of Ville de Montréal, as well as its elected officials, understand and respect 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**, as they search for • **just** and • **equitable** solutions for everyone. They promote these values as well as those related to **ethics** and **procedural equity**, in all of the boroughs and departments of Ville de Montréal.

CHARACTERISTICS

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

NON-POLITICAL AND INDEPENDENT POSITION – ESSENTIAL CONDITIONS TO HER CREDIBILITY

The position of **OMBUDSMAN DE MONTRÉAL** is **non-political** 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 all of Montréal boroughs.

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

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

Essential to her **independence and impartiality**, the **OMBUDSMAN DE MONTRÉAL** enjoys a great deal of **autonomy** with regard to the internal organization of her office, in the elaboration of her procedures and in the handling of her files. Neither the municipal administration nor the elected officials can intervene on this score. Her **complete autonomy**, from the municipal administration and elected officials, is a *sine qua non* condition to the genuine efficiency and the credibility of her service.

Only the members of her team have access to the files of the **OMBUDSMAN DE MONTRÉAL** and no municipal representative or elected official can interfere in the management of her internal procedures or in the conclusions or recommendations she formulates, following her interventions and investigations.

ENABLING LEGISLATION

The jurisdiction and powers of the **OMBUDSMAN DE MONTRÉAL** are defined in the following laws and By-Laws:

- The *By-Law concerning the ombudsman* (02-146), as modified by the By-Law 02-146-1.
- The *Montréal Charter of Rights and Responsibilities*, By-Law 05-056.
- Sections 573.14 to 573.20 of the *Cities and Towns Act* (R.S.Q., chapter C-19).

WHY AN OMBUDSMAN IN MONTRÉAL?

For citizens

- Our procedures are **simple**, our interventions are **efficient** and our services are **free**.
- Ville de Montréal is a **complex** organization in which citizens can sometimes scarcely find themselves. The **OMBUDSMAN DE MONTRÉAL** can more easily identify the responsible department or person with regard to a specific problem and ensure that the citizen's request is treated with **diligence** and **justice**.
- Our independent and autonomous investigations provide additional guarantees of **transparency** and **objectivity** in the municipal decision-making processes.
- Some citizens need more time to explain their situation and concerns at length: **attentive** and **empathic** listening is an integral part of our values and of our procedure, in the handling of complaints.
- Some citizens **require a more thorough explanation**, not only in regards to the existence of a rule but also, in regards to its *raison d'être*. Through our investigations, we can understand the origin of a rule which a citizen may find unjust or unfair. By clearly and simply explaining why



this rule exists, the **OMBUDSMAN DE MONTRÉAL** can mitigate and even dissipate his/her feeling of injustice.

- The usual municipal rules do not always foresee every **special or exceptional situation** which may occur, from time to time: when needed, the **OMBUDSMAN DE MONTRÉAL** may enable the ease of a rule in order to ensure a **more equitable** result, in exceptional circumstances.
- The **OMBUDSMAN DE MONTRÉAL** will evaluate the complaints not only from the legal point of view, but also with regard to the **fairness and equity** of the decision or situation concerned. It is sometimes necessary for Ville de Montréal to go beyond the strict non violation of the law, in order to better meet the reasonable expectations of its citizens.
- The **OMBUDSMAN DE MONTRÉAL** team is particularly skilled at **popularizing** complex notions and at explaining, in simple terms, concepts that are difficult to understand.

For Ville de Montréal

- The **OMBUDSMAN DE MONTRÉAL** is an exceptional resource that also helps City managers and elected officials do their work even better.
- Through her interventions, the **OMBUDSMAN DE MONTRÉAL** is a **catalyst of change, modernization** and **continued improvement**.
- Her handling of similar files allows the **OMBUDSMAN DE MONTRÉAL** to better see the “big picture” and to identify **systemic or recurring problems** that can then be corrected.
- The **OMBUDSMAN DE MONTRÉAL** can also promote a better **harmonization** of approaches, between the different boroughs and/or departments.
- The **OMBUDSMAN DE MONTRÉAL** contributes to the **prevention of favouritism and injustices**.

- The **OMBUDSMAN DE MONTRÉAL** can also appreciate municipal decisions from the angle of **ethical values**.
- When she recommends a remedy or a change, the **OMBUDSMAN DE MONTRÉAL** ensures, if the occasion should arise, that this remedy will provide the means to **prevent** other similar cases.
- Finally, the mere fact that Ville de Montréal accepts the idea of an Ombudsman carrying out independent and unbiased investigations without being bound by City’s usual practices, drawing her own conclusions and, if need be, intervening to provoke change, shows the City’s will for **transparency** and contributes to **increase the trust of citizens** of Montréal towards their municipal administration.

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 work together towards the resolution of problems.

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





III The OMBUDSMAN DE MONTRÉAL's office

STRUCTURE AND ORGANIZATION

In 2009, two investigators left our group and, therefore, the **OMBUDSMAN DE MONTRÉAL** team worked with reduced personnel. During most of the year, we were only six employees in total, namely: the Ombudsman, the Deputy Ombudsman, two Investigators and two secretaries. It is my fitting to emphasize the sustained efforts displayed by the whole group to try and maintain the usual quality and efficiency of our services.

On the other hand, it became apparent that our organizational structure needed some adjustments to take into account a new reality, that is, the growing complexity of many complaints we handle. More particularly, the **OMBUDSMAN DE MONTRÉAL** has an increasing need for more and more complex legal opinions, independent from the City's Legal Department. The Ombudsman, therefore, abolished some vacant positions and decided to create a new type of function within her office, i.e. a lawyer position: on top of conducting complex investigations, lawyers will ensure the autonomy of the office, on a legal viewpoint. These positions were technically created at the end of October 2009.

The Human Resources Department refused, however, to issue the *occupation numbers* (a technical formality) without providing us with any justification. It was the first time that any level of the City's management was interfering in the organizational decisions of the **OMBUDSMAN DE MONTRÉAL**, since the creation of our office. The precedent raises serious concerns.

This persistent refusal of Human Resources Department delayed the setting in motion of our recruiting process. By December 31st, 2009, the Ombudsman was still waiting impatiently for the coming into function of the new General Manager of Ville de Montréal, Mr. Louis Roquet, to clear up this impasse.

Discussions will undoubtedly be needed, within the following months, to permanently clarify the question of our **independence** and **administrative autonomy**.

Indeed, it is essential that all City managers and elected officials understand, recognize and accept that the exceptional nature of an Ombudsman's mandate requires the **respect of its autonomy and independence** which are essential to the **credibility** of the function and to the **trust** of citizens.

The municipal administration must not interfere in the management decisions of the Ombudsman or try to limit her recruiting of the internal resources she believes are needed.

In spite of this necessary independence, the Ombudsman will nonetheless strictly respect, as she always has, the existing City policies and standards for the management of her human, material and financial resources.

ETHICS

The **OMBUDSMAN DE MONTRÉAL**'s office adopted its own *Code of Ethics* in 2005, which is posted in its office and available on its Web site.

The **OMBUDSMAN DE MONTRÉAL** also takes the opportunity of her interventions to promote ethical values within the municipal system. Ethics are not limited to respecting a set of specific rules: it is a much broader concept that includes **moral values** and requires an **exemplary behaviour** from the viewpoint of **integrity, honesty** and **probity**.

Ethics is a *sine qua non* condition to the **credibility** of the processes and of the decisions taken and, consequently, to the **trust of citizens** towards the administration.

COMPLAINTS TO THE ODM

Citizens can submit their complaints by telephone, by mail, by e-mail, by fax or in person at our offices: we recommend, however, that citizens make an appointment before they show up at our office.

A *Petition for the Ombudsman's intervention* form is available and can even be completed "online", on our Web site.

ACCESSIBILITY

The **OMBUDSMAN DE MONTRÉAL**'s office is located on the ground floor of the Montréal City Hall (room R-100), a few steps away from the Champ-de-Mars metro station. People with reduced mobility may access the building via the Place Vauquelin entrance.

We installed an automated door opening system allowing people in wheelchairs to easily access the new offices in which we moved, in 2009.

SWIFT SERVICE

Within a maximum period of 24 working hours following the reception of a written request, our office contacts the citizen to provide verbal acknowledgement of receipt and briefly explain the ensuing steps. Within a period that generally does not exceed 2 working days, the **OMBUDSMAN DE MONTRÉAL** forwards to the citizen a written acknowledgement of receipt and the name and contact information of the investigator who will be handling his/her complaint.

In 2009, **91%** of the people who sought the help of the **OMBUDSMAN DE MONTRÉAL** received a final answer in their file, within a period of 1 month or less and approximately **65%** of the files that required a thorough investigation were finalized within a period of 2 months or less.

CONFIDENTIALITY

Whether citizens or employees, the people we deal with, in the course of our investigations, must know that they can confide in us, without any worry that they could be penalized for it. The confidentiality of our investigations is provided for in the *By-Law concerning the ombudsman* and also protected by the *Cities and Towns Act*.

All of our files are kept in locked filing cabinets, in offices which are also locked every night. Moreover, the computerized system which we use for the management of our files is unique and its access is reserved exclusively to the members of the **OMBUDSMAN DE MONTRÉAL** team. This system was made to measure to meet our specific needs: it was elaborated from another system initially created by the Ombudsman's office of Ville de Québec which had kindly authorized our office to use it.

Our files are not subject to *Right of access* legislation and neither the Ombudsman nor her employees can be compelled, even by a tribunal, to testify, provide information or deposit any information or document relating to their investigations or interventions.

However, this confidentiality is not absolute. Indeed, the **OMBUDSMAN DE MONTRÉAL** team must provide to the City representative responsible for the problem under investigation all the necessary information for him/her to understand the situation: depending on the nature of the complaint, such information may include personal information. Our complaint form contains a notice to that effect.

Finally, in accordance with the *By-Law concerning the ombudsman*, every time the Ombudsman decides to intervene or investigate a file, she must inform the Director of the concerned borough or department and offer her/him the opportunity to explain his/her decision or settle the complaint. The General Manager of Ville de Montréal must also be notified of this first intervention and of the Ombudsman's final conclusions as well.



BILINGUAL SERVICE

The **OMBUDSMAN DE MONTRÉAL** provides complete services in both English and French. Our Web site is also available in these two languages.

MULTILINGUAL INFORMATION

The home page of our Web site contains a short summary explaining the mandate of the **OMBUDSMAN DE MONTRÉAL**, in the 14 most spoken languages in Montréal, besides French and English. Our poster, our information pamphlet and our promotional bookmark also contain a short welcoming message “*We pay attention to you*”, in all of these languages.

The people who request the intervention of the **OMBUDSMAN DE MONTRÉAL** remain responsible, however, for designating, if the need arises, a person who can communicate well enough in French or English to act on their behalf, for the purpose of their file.

BRAILLE AND OTHER MEANS

Since 2006, our business cards are embossed in Braille as well as our multilingual bookmarks.

Our correspondence and the texts on our Web site are typed in the VERDANA font, which is the easiest 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*, in French only, via the *Accès Simple* icon found on Ville de Montréal’s Web site.

These texts were drafted with the help of Université de Montréal specialists, for people with intellectual limitations: we explain therein the role and mandate of the **OMBUDSMAN DE MONTRÉAL**, with less complex terminology. Unfortunately, we have not found an equivalent *Simplified Language*, in English.

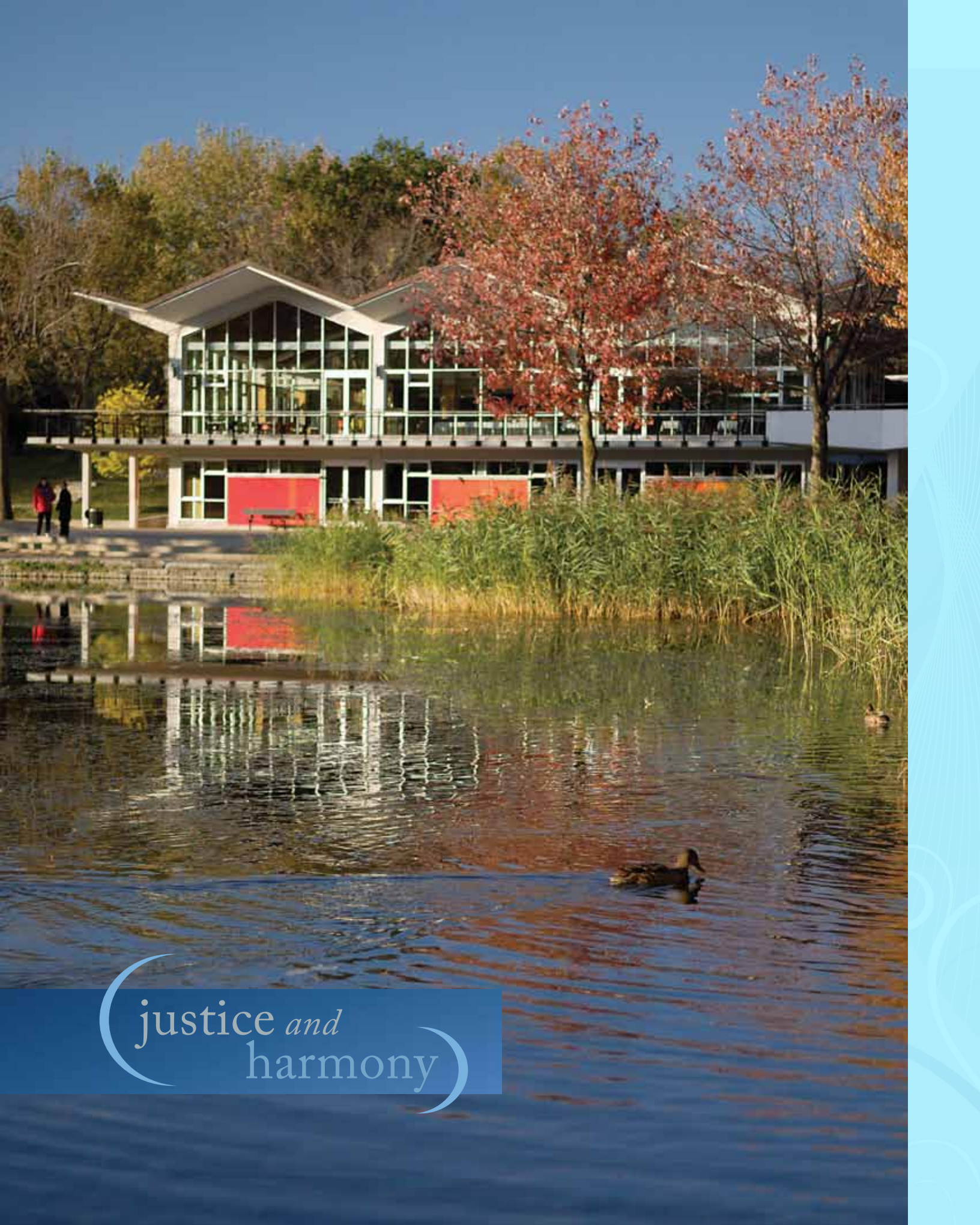
In *Simplified Language*, our services are explained in simple terms. This text is also available in an audio version. A worth-mentioning incidental benefit: the *Simplified Language* texts turn out to be very useful for people who have a limited understanding of the French language.

As for *Alternative Spelling*, it is a special *phonic language* taught in certain specialized schools to people who are unable or unlikely to ever be able to learn traditional French spelling. This *phonic language* allows them to read useful information “by sound” which, therefore, increases their autonomy.

The **OMBUDSMAN DE MONTRÉAL** is proud to participate in these specific projects and to provide a maximum amount of information to all of the people who may then use our services, regardless of their personal limitations.

PROMOTIONAL VIDEOS

The **OMBUDSMAN DE MONTRÉAL** is often solicited to present and explain her role: she tries to answer favourably to a maximum of such requests but, sometimes, it becomes difficult. Two promotional videos in which the **OMBUDSMAN DE MONTRÉAL** explains the nature of her mandate and her interventions are available, on our Web site.



justice *and*
harmony



IV Report on our 2009 Activities

A. Achievements of the OMBUDSMAN DE MONTRÉAL

THE 2008 ANNUAL REPORT

The 2008 **OMBUDSMAN DE MONTRÉAL**'s Annual Report was submitted to the City Council on April 27th, 2009. It was presented to the media on the following day, at a press conference which was followed by numerous interviews.

FILES HANDLED IN 2009

In 2009, a total of **1469** requests were handled by our team: **1433** new requests, **25** previous files still active and **11** files where we followed up on previous undertakings. These files led to **218** thorough investigations.

EFFICIENCY

198 of these thorough investigations were completed in 2009. In **52%** of the cases, we intervened so as to rectify the situation: **83** were settled through mediation and in **20** other cases, a formal **RECOMMENDATION** was issued. All of these **RECOMMENDATIONS** were accepted and implemented by the municipal entity, department or borough concerned.

SWIFTNESS

In 2009, the average treatment time of our files (including "Charter" files) was of **4.85 working days** and **91.96%** of the citizens who asked for our assistance obtained a final answer within one month or less.

In cases where we conducted a more thorough investigation, **39.89%** were finalized within one month or less, and **65.8%**, in less than two months. The average treatment time of these complaints was of **28.72 working days**.

INVESTIGATIONS AT THE OMBUDSMAN'S INITIATIVE

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

In 2009, **20** such investigations were initiated by our office. These files were related to, namely, the protection of the Angrignon forest, universal access issues, safety, the inconsistent application of By-Laws, the quality and clearness of municipal information, traffic nuisances, internal procedures and quality of customer service in different departments or boroughs of the City.

UNIVERSAL ACCESS

Whether it relates to access to municipal buildings, services or to municipal information, the **OMBUDSMAN DE MONTRÉAL** intervenes regularly to ensure that Ville de Montréal respects its obligations and commitments in that regard.

More adequate accesses to municipal buildings meeting the needs of handicapped people benefit also to other groups of citizens who, although they are not physically challenged, can be discouraged at the idea of having to climb stairs or to enter through narrow and very heavy doors: to name a few, elderly people and parents with strollers.

In 2009, the Ombudsman intervened more particularly to improve the physical access to **Montréal's City Hall** for people with reduced mobility:

- We requested the installation of adequate signs, around City Hall, to better inform people of the location of the adapted entrance, which is currently accessible via Place Vauquelin;

- We requested that this information be added and easily accessible on the City's Web site, in order for citizens in need to easily find the information relating to the location of the building's access ramp;
- We obtained an undertaking, from the manager in charge, that even during construction works, one adapted and easily accessible entrance will always remain available and that temporary signs will be installed, if the need arises, to inform citizens of any change in the location of the entrance for people with reduced mobility;
- We obtained an undertaking that, when construction works which are underway will be completed, the required adjustments will be made so as to maintain an adequate display, at all entrances of the City Hall, as to the location of the adapted access;
- Following our move into our new offices, still located on the ground floor of City Hall, we had an automated door opening system installed so that handicapped citizens can easily enter our offices;
- Moreover, the **OMBUDSMAN DE MONTRÉAL** ordered and paid, from her own budget, for an automated door opening system for the **adapted bathroom** located on the ground floor of City Hall. Situations we had witnessed had convinced us that such an installation was necessary in order for people with reduced mobility to have easy access to this bathroom, without having to ask for help. This installation will be completed early in 2010.

PROMOTING THE SERVICE

Still too many citizens and organizations are unaware of the existence of our office and of the exceptional services we can offer, if the need arises. The **OMBUDSMAN DE MONTRÉAL** regularly attends events where she has the opportunity to meet *leaders* of the civil society who are likely to make our office better known, within their group, association or community.

In 2009, the Ombudsman gave many interviews to journalists of the written press and participated to many radio and television shows. Some of these media events targeted, more specifically, special groups or communities.

The Ombudsman also gave numerous conferences on the role of the **OMBUDSMAN DE MONTRÉAL** and on the *Montréal Charter of Rights and Responsibilities* to community groups and groups of citizens. She also presented to members of the Canadian Bar a conference entitled: "*L'ombudsman comme outil de PDR (Prévention et règlement des différends)*".

She has also provided training to different groups of employees of the **311 department**, in order for them to better understand how the **OMBUDSMAN DE MONTRÉAL** can help citizens with whom they are called upon to deal.

TRAINING OF NEW ELECTED OFFICIALS

For the first time, the **Training program for the new elected officials** included, in 2009, two separate sessions presented by the Ombudsman, during which she explained her role as well as the complementarities of her function, in relation to the role of elected officials.

She took advantage of these meetings to sensitize City Councillors to the importance, for them, to know and consider the commitments contained in the *Montréal Charter of Rights and Responsibilities* before approving a decision, voting a Resolution or adopting a By-Law.

On the other hand, the **OMBUDSMAN DE MONTRÉAL** continues to regularly approach directors, managers and municipal employees and to better promote her mandate as well as the positive impact of her interventions not only for citizens, but also for the municipal administrative systems of Montréal.

INNOVATIVE EDUCATIONAL PROJECT IN SCHOOLS

The **OMBUDSMAN DE MONTRÉAL** has associated with the *Centre d'histoire de Montréal* to elaborate a new "key in hand" project for elementary school teachers, as a part of the **Apprentice Citizens program** which is part of Ethics and Religious Culture course. Mr. Jules Patenaude from Ville de Montréal has also participate in this project.

These activities allow elementary school students to familiarize themselves with the *Montréal Charter of Rights and Responsibilities* and to understand the role of the **OMBUDSMAN DE MONTRÉAL**. The program brings them to discover and explore the notion of **ethics** and they are also called upon to reflect on the issues of **justice** and **equity**. They also discover and practice Alternative Dispute Resolution methods such as **mediation** and **negotiation**.

This project has been offered since the fall of 2009 and, as of December 31st, 2009, almost 20 classes of the 3rd cycle of elementary schools had confirmed their participation to this project, for the 2009-2010 school year.

INNOVATIVE PROJECT FOR NEW IMMIGRANTS

The **OMBUDSMAN DE MONTRÉAL** and the *Centre d'histoire de Montréal* have also created a similar project, this time aimed at Montréal's new adult immigrants. This training is part of their **Francization Program**.

This project includes different steps:

- a visit at the *Centre d'histoire de Montréal* where the participants discover the turning-point eras and the prominent events of Montréal's history;
- different class tutorials and activities on municipal democracy, on the role of the **OMBUDSMAN DE MONTRÉAL** and on the *Montréal Charter of Rights and Responsibilities*;
- a guided tour of Montréal's City Hall; and
- a meeting of approximately one hour with the Ombudsman, Ms. Johanne Savard, to whom they can submit their questions and concerns.

This project is a great success and seems very much appreciated. Although it only began in the fall of 2009, the **OMBUDSMAN DE MONTRÉAL** had already met, by December, more than 30 new immigrants and it is foreseen that she will meet approximately 140 more, within the next few months.



PROMOTION OF THE OMBUDSMAN FUNCTION AT THE NATIONAL AND INTERNATIONAL LEVELS

The **OMBUDSMAN DE MONTRÉAL** is regularly sought to explain her role and her mandate to representatives from other governments looking for models to follow and ways to promote citizen participation and the protection of citizens' rights, on their territory. Indeed, the interest for the function of ombudsman extends beyond the borders of Québec and Canada: the **OMBUDSMAN DE MONTRÉAL** office remains a model to follow.

In 2009, the Ombudsman made many presentations and participated to many work sessions during which she explained her mandate, the way her office operates, the essential characteristics to ensure the credibility of such a function, etc., namely with:

- The mediator of the City of Paris (France), Ms. Claire Brisset;
- The Assistant General Manager of the City of Savannah (U.S.A.), Ms. Rochelle Small-Toney;
- The Assistant General Manager of the City of Englewood (U.S.A.), Ms. Peggy Otalvaro;
- The mediator of the *Communauté francophone de la Belgique*, Ms. Marianne De Boeck, and her team;
- A delegation from the City of Copenhagen (Denmark);
- The Sheriff of the City of Mumbai (India), Ms. Indu Shahani;
- Many representatives from the City of Shenzhen (China).

Moreover, Ms. Savard was appointed to the Membership Committee of the *Association des ombudsmans et médiateurs de la Francophonie*.

CONTINUED TRAINING

The municipal administration and, therefore, the Ombudsman touch upon an impressive variety of subjects including:

- Water management;
- Protection of the environment and of the urban forest;
- Protection of the patrimony;
- Sustainable development;
- Air quality;
- Safe development and management of the territory;
- Libraries and recreational activities;
- Urban planning and zoning;
- Economic development;
- Public transportation;
- Garbage and recycling management;
- Permits;
- And much more.

The complexity and the great variety of files we are called upon to handle requires the continued and sustained training of the Ombudsman and her team, on these different subjects.

Mastering investigative and ADR (alternative dispute resolution) techniques are also important aspects of our daily challenges: every member of our investigative team, therefore, is required to complete special training in **Mediation** and on **Alternative methods** of conflict resolution.



B. Cases handled in 2009

In 2009, **1433** new requests were submitted to our office, in addition to **25** previous and still active files and **11** files where municipal undertakings needed a follow-up, for a total of **1469** requests handled in the course of the year.

Approximately **43%** of these files, i.e. **643**, were denied without investigation, most of the time because they exceeded our office's jurisdiction (e.g. the complaint was related to a non municipal entity or to a municipal entity over which we have no jurisdiction). In all of these cases, nonetheless, we took time to understand the issue at stake and were generally able to redirect the citizen towards another organization likely to help him or her.

Another **565** files were submitted too soon to our office and were, therefore, referred to the director in charge: as every one should know, we only intervene as a **last resort**.

43 other files were withdrawn by the plaintiff before a thorough investigation was conducted, following discussions where we explained the grounds for a municipal rule that we already know well.

A total of **218** thorough investigations were conducted (71 less than in 2008) and, as of December 31st, 2009, only **20** of these files were still pending.

In the **198** files thoroughly investigated which were closed in 2009:

- **7** citizens finally withdrew their complaint after we provided explanations discovered through our investigation;
- **3** were redirected to the director concerned, during the investigation;

- **71** complaints were ill-founded and we explained the reasons of our conclusions to the citizen concerned;
- **103** new files and **14** follow-up investigations on previously subscribed undertakings led to **97** amicable settlements and **20** were the object of a formal **RECOMMENDATION**.

EXAMPLES OF FILES HANDLED IN 2009

- **Tax for occupation of the public domain:
Old property – Fiscal equity**

A citizen complained about a new tax imposed on her and her co-owners since 2007, by Arrondissement Le Plateau-Mont-Royal, because part of their garage encroaches on public property.

This building was built in 1905 at a time where *Certificates of Localisation* did not exist: the property was built according to the standards and requirements of the time and the surface it covers has not been modified ever since.

The first *Certificate of localisation* regarding this property was issued in 1972, almost 70 years after its construction: this document does not mention any encroachment on public property. The building has been sold many times over the years, without any Notary ever mentioning any encroachment on public property.

In 2005, the Government of Québec conducted cadastral review, following which our complainant was informed that the cadastral documents relating to her property had been modified. This modification was made although there had not been any physical external modification to the building or garage and even after the said modification, no new tax was claimed by either the City or by Arrondissement Le Plateau-Mont-Royal, with regard to this property.

In the context of a recent sale of one of the dwellings of this undivided co-ownership, around 2007, the acting Notary noted for the first time an encroachment of the garage on the public domain. From that moment on, Arrondissement Le Plateau-Mont-Royal decided to charge the co-owners an annual rent for the permanent occupation of public domain. The citizen immediately contested this new tax with the borough, without any success.

Section 50 of the *Règlement sur l'occupation du domaine public* in effect in this borough states that when the price paid annually for a permanent occupation which **existed before December 31st, 1995 is less than \$100.00**, this occupation shall be free as of January 1996 and shall so remain, as long as the said occupation is not modified.

The plaintiff submitted that, since the owners of their building had never paid any rent for occupation of the public domain, they should have benefited from this provision. According to the borough, however, this section does not allow such an interpretation when no rent whatsoever was paid to the City.

After thorough analysis, the **OMBUDSMAN DE MONTRÉAL** concluded that, regardless of the interpretation of section 50, the exceptional situation in which these citizens found themselves was unjust and unfair. We initiated, therefore, discussions with Arrondissement Le Plateau-Mont-Royal, in search of a satisfactory solution for both parties.

The Borough Council of Arrondissement Le Plateau-Mont-Royal adopted an amendment of the aforementioned section 50 to add the possibility of free occupation of the public domain, in situations of encroachment similar to the one at stake. The new provisions state that, subject to the decision of the Borough Council in each case, permanent occupation of public domain resulting from an **encroachment in good faith, prior to January 1st, 1996, which was discovered following a cadastral review, may also be free**: a *Certificate of localisation* prepared by a land surveyor before January 1st, 1996, showing the building as it actually stands and not mentioning the encroachment constitutes sufficient proof in this regard.

To obtain this right to gratuitousness, the owners must submit a request to that effect to the borough. In our specific file, the Borough Council granted gratuitousness to co-owners concerned, as of 2009.

As for the amounts they had paid for 2007 and 2008, the new provisions of the By-Law had no retroactive effect. Since this new tax had immediately been contested in 2007, however, we considered that the 2 years period it took to settle this file should not prejudice the citizens in question. The borough accepted our arguments and, therefore, it undertook to reimburse the co-owners, on an exceptional basis.

- Falls on snowy or icy sidewalks:
Diligence in management of claims

For many months, a citizen had been waiting for an answer from the *Bureau des réclamations* (*Claims Office*) of Ville de Montréal in regards to the monetary claim he had submitted, following his fall on an icy sidewalk.

The *Bureau des réclamations* explained this long delay by the fact that the appraiser mandated to manage this file was also awaiting information he had requested from the borough where the accident had occurred: indeed, in order to evaluate the citizen's claim, the appraiser needed factual information from the borough regarding the climatic conditions and the maintenance of this sidewalk, on the eve and day of the incident. Our investigation showed that such lengthy delays were not exceptional.

After having settled this specific file, the **OMBUDSMAN DE MONTRÉAL** initiated a wider investigation, with every borough, in order to get a portrait of the situation and, if the need arose, to evaluate how the response delays could be shortened. We have asked every borough to confirm their response delays in all such files during the preceding year, as well as the name and coordinates of the person in charge of handling these requests.

The answers we obtained showed delays varying from a few days to several weeks. The long delays were attributed, mainly, to the fact that many information requests submitted by the *Bureau des réclamations* or their representatives were forwarded to the wrong person and/or to a wrong fax number and that neither the *Bureau* or its representative made follow-up calls when they did not receive the requested information.

Some boroughs also emphasized that, in certain cases, the requests related to events that had occurred many months prior, making their search for the relevant information much more difficult.

Boroughs submitted they would normally be able to provide the information within 6 weeks or less, if these requests were sent **promptly** and **to the right person**.

Therefore, our office **prepared an updated list** with the names and coordinates of all of the interveners in charge of these files, for every borough, and sent it to the *Bureau des réclamations*, to be distributed to its appraisers.

The Ombudsman requested that the *Bureau des réclamations* **annually updates this list** and also ensures that follow-up calls be made, in every case where information requests are sent by fax or e-mail. Follow-ups should also be done every time a requested information is not received within a reasonable delay.

In light of all of these changes, we are confident that the delays in evaluating claims relating to falls on snowy or icy sidewalks should now be shorter.

- Persistent flow of wastewater in an alley – Public health issue

A citizen sought our intervention to resolve a problem with the flow of wastewater, in the alley located behind her residence, and to complain about the inaction of Arrondissement Le Plateau-Mont-Royal in correcting the situation.

Our investigation revealed that the flow in question was caused by the obstruction of a private sewer drain, located in a building on Avenue du Parc.

At our request, the borough took samples of this wastewater and had them analyzed: this analysis confirmed the presence of faecal coliforms. Since this flow was coming from a private property, not from Ville de Montréal's infrastructures, the borough



forwarded a *Demand Letter* to the owner at fault, requesting that he quickly remedies the situation: unfortunately, the owner did not follow up with this *Demand Letter*.

We then discussed possible solutions, in regards to this inaction and, following the opinion of the City's Legal Department, the borough filed a *Motion* asking the Superior Court to issue an *Order* requesting the owner to repair this sewer, failing which the borough would be authorized to do the repairs itself, at the owner's expense. While the legal process was following its course, however, the borough and our office had to wait for the court's decision: we, therefore, suspended our intervention temporarily.

Fortunately for the complainant, the contravening owner finally decided not to wait a court's decision and made the repairs. The wastewater flow problem has been resolved, to the satisfaction of the citizen and her neighbors.

- **Modification of a civic address:
Impact on citizens – Justice and Equity**

A citizen contacted the Ombudsman's office to contest her borough's intention to modify her civic address.

Arrondissement de L'Île-Bizard – Sainte-Geneviève had, indeed, decided to change the civic address of this citizen and to attribute her current address to her neighbor: the said neighbor had submitted that the civic address he always had, 48A, caused him some inconveniences. He was complaining mainly of the fact that his mail was sometimes delivered to number 48, instead of 48A; that restaurants often delivered to his house meals intended for the residents of number 48, or vice versa; and finally, that emergency vehicles could eventually make the same mistake and get the wrong door, although no such situation had ever occurred in the past.

Our complainant was invoking greater inconveniences if the borough changed her address. She would have to prepare a list of all possible correspondents and undertake many steps to have her address changed with a multitude of companies and organizations (lots of time, inconveniences and costs). She would also need to have her legal documents modified, including her *Property titles* and the documents related to her mortgage (time, inconveniences, and costs). She was also worried that, for some time, her mail would be delivered to her neighbor's house. Finally, since her civic address is carved in a stone which is part of the façade of her house, she would have to incur significant costs to have this stone replaced, while ensuring that there would be no damage to her house.

We conducted an investigation with the borough who could not provide any additional reasons to support their decision to change these two civic addresses, other than those invoked by the neighbor and mentioned hereinabove.

After analysis, we concluded that the disadvantages this citizen would incur, if her address was changed, would be greater than those her neighbor was complaining about. Indeed, the majority of situations he was alleging could be avoided or corrected by simply reminding people and entities, such as Canada Post, that his address is 48A and by requesting that they pay more specific attention to this fact. We also took into consideration the fact that the contemplated change would also require rectifications in various municipal documents and computerized files.

The borough finally accepted our conclusions. The citizen was extremely happy to keep the civic address that had been hers for many years and to avoid all the troubles she would have incurred, had it been changed.



- **Municipal parking meters less than 5 meters away from a fire hydrant: Double standard – Justice and Equity**

During the scope of an investigation, the **OMBUDSMAN DE MONTRÉAL** noted that Ville de Montréal was installing parking meters less than 5 meters away from a fire hydrant, whereas if there were no parking meters, parking is prohibited in such a zone and subject to a fine. Hence, the Ombudsman questioned the equity of the situation.

Our investigation confirmed that drivers who park their vehicles less than 5 meters away from a fire hydrant will normally receive a fine although Ville de Montréal often installs paying parking spaces covered by parking meters, as close as 2.5 meters on either side of fire hydrants.

It seemed unfair that the City fines citizens who park 2.5 meters away from a fire hydrant, while they would allow them to park in this same spot, if this was a paying parking space.

We checked with the *Service de sécurité incendie de Montréal* (the "SIM") if the 5 meters space was required, for the purpose of their operations, in case of a fire. After technical tests, the SIM informed our office that, in light of the new types of vehicles used in Montréal, a minimal space of 1 meter on each side of a fire hydrant is sufficient to meet their operational needs.

On the other hand, our investigation revealed that the 5 meters parking prohibition, each side of a fire hydrant, is provided for in a provincial law, the *Highway Safety Code* (R.S.Q., chapter C-24.2), of which Section 386(2) states that:

"Except in cases of necessity or where another provision of this Code permits it, no person may stop a road vehicle:

...

(2) less than 5 meters from a fire hydrant or a stop sign."

According to section 295 (7) of the same *Code*, however:

"The person responsible for the maintenance of a public highway may, by means of the proper signs or signals:

...

*(7) prohibit, restrict or otherwise **regulate the stopping or parking of road vehicles;**"*

This last provision is the one under which Ville de Montréal was allowed to install paid parking spaces less than 5 meters from a fire hydrant.

The implementation of these shorter zones does not appear unreasonable, from a safety point of view, since it meets the operational needs of the SIM. It seemed difficult to justify from a justice and equity perspective, however, that the City continued to strictly apply the 5 meters rule in areas where there is no parking meter. In our opinion, Ville de Montréal should apply the same standard in every case, **whether a parking space is a paying one or not.**

Following our intervention, Ville de Montréal committed to initiate discussions with the Government of Québec in order to regularize this situation. The *Service des infrastructures, du transport et de l'environnement* undertook to keep us informed in regards to the evolution of this process. We will also regularly follow up on the progress of these discussions.

- **HLM – Cohabitation of residents with community groups: Residents' quality of life**

A tenant of an OMHM dwelling was complaining of the fact that an Association was offering activities to autistic people in rooms located in his residential building, which he found prejudicial to the quality of life of residents.

This Association held recreational activities for autistic people from the Montréal region, in the *Community Room* of the building, every Saturday. Moreover, every summer, between the end of June and mid-August, the group also organized a Summer Camp for autistic children, 5 days a week, from Monday to Friday. These children did not only use the *Community Room*, they also spent a great deal of time in the backyard which is usually reserved to the residents of the building. The residents were, therefore, deprived from the peaceful enjoyment of their backyard during a large part of the summer.

Following an investigation and in light of the comments submitted by residents of the building, the Saturday recreational activities did not really cause concerns, but the residents were truly bothered by the Summer Camp activities taking place in the backyard.

Following our discussions, the OMHM recognized that this forced cohabitation was not appropriate and should end. The Summer Camp was quickly moved to another location and the residents have regained peaceful access to their yard. The *Community Room* continues, however, to be used on Saturdays, for special activities for autistic people.

- **Possessor in good faith of a stolen vehicle: Storage fees during police investigation**

A citizen was contesting the towing and storage fees he had to pay to a private pound, acting under a proxy of Ville de Montréal.

His vehicle had been seized by the *Service de Police de la Ville de Montréal* (the "SPVM"), then towed and stored, at the request of the SPVM, for the purpose of a police investigation. When the citizen was authorized to retrieve his vehicle, he had to pay \$869.14.

The citizen sought reimbursement because he was not responsible for this towing nor for the long storage delays due to the police investigation.

Our investigation revealed that this vehicle had been stolen in 1999 and that its serial number had been modified. When the SPVM found it, in 2009, the plaintiff was its possessor in good faith but the insurance company who had compensated the initial owner was legally the owner.

Usually, when the SPVM keeps a stolen vehicle of which it suspects the identification numbers have been modified, the towing and storage fees incurred during the investigation are billed to the insurance company who has become the legal owner of the car.

In the present instance, however, the insurance company had transferred the ownership rights to the possessor in good faith of the vehicle (our plaintiff) which is why he was the one who claimed the vehicle and charged the towing and storage fees of \$869.14.

We questioned the relevance of requesting that the **possessor in good faith** of a stolen vehicle pays the towing and storage fees related to a police investigation, in regards to an event he did not perpetrate. We also took into account the fact that the citizen had no control on this investigation and therefore, on the duration of this storage. Finally, we considered the fact that the citizen had retrieved his vehicle as soon as he had been allowed to do so.

Following a discussion with the *Bureau des réclamations* and considering the special circumstances of this file, it was agreed that this citizen should be reimbursed, which he was.

- Termination of an HLM lease due to an erroneous prognosis – Priority on waiting lists

The *Office municipal d'habitation de Montréal* (the "OMHM") asked the **OMBUDSMAN DE MONTRÉAL** what general direction seemed appropriate to her, in certain specific cases, namely:

1. When an OMHM tenant is hospitalized; and
2. The health institution then informs the OMHM that this tenant will not gain back the level of autonomy needed to return to his/her dwelling; and that
3. In light of this notice and with the consent of the tenant (or a third party, if the tenant is unable to consent), the OMHM rescinds this person's lease because he/she no longer meets the autonomy requirements to keep such dwelling; and that
4. Surprisingly, this person later regains a sufficient level of autonomy and asks that his/her former dwelling, or an equivalent one, be attributed to him/her, in priority.

After due consideration, the **OMBUDSMAN DE MONTRÉAL** informed the OMHM that, in her opinion and subject to the special circumstances of each case, the OMHM should give priority to this person and offer him/her the first available dwelling that meets his/her needs. The **OMBUDSMAN DE MONTRÉAL** is, however, of the opinion that this person cannot demand to obtain his/her former dwelling if it is already occupied by someone else.

The reasoning upholding this position is as follows:

Given the great amount of people on the HLM waiting lists, the chances of this former tenant to obtain a new HLM, in short or long term, is very low if he/she is not given priority;

This person had already undergone the whole waiting process and completed all the required steps to obtain the HLM dwelling he/she no longer has, because of the erroneous prognosis;

The OMHM should take into account the fact that the lease of this tenant was rescinded for reasons completely out of his/her control namely, the erroneous prognosis made by medical experts. Indeed, it is only due to the said prognosis that this person lost his/her HLM dwelling;

Finally, granting a dwelling in priority, in such circumstances, would not really cause prejudice to the other people on the waiting list. Had it not been for the erroneous prognosis, this person's dwelling would not have been freed and the other persons on the waiting list would not have progressed by one level: if priority is given to this former tenant, the people on the waiting list will simply take back the rank they would have had, if the medical error had not occurred.

The OMHM favorably welcomed the **OMBUDSMAN DE MONTRÉAL**'s comments.



C. Evolution of previous files

- Follow-ups on unclaimed cheques

Following a previous intervention, the *Service des finances* of Ville de Montréal had undertaken, in 2007, to elaborate and apply a new **Follow-up Policy on tax reimbursement cheques that are not cashed in**. Prior to our investigation, there was, indeed, no procedure in place to follow up on non cashed reimbursement cheques issued to citizens who had overpaid their taxes.

The *Service des finances* has since created a **File on property tax cheques** that enables them to identify the cheques that are not cashed in within 6 months of their issuance date. With this information, an employee can now contact the tax payer concerned and arrange for the issuance of a new cheque.

The implementation of this new procedure took some time, however, and the issuance of replacement cheques began only in early 2009: the Department first handled expired cheques that had been issued in 2007.

Since this policy is in place, **247** expired cheques were so reissued. This is as many citizens who would have never received the tax reimbursements which they were entitled to. This new policy is clearly positive for many citizens.

All the older files should be processed by the end of 2010 after which the delay for issuing a replacement cheque should come down to 2 to 3 months following the expiration date of the initial cheque.

We will follow up on this procedure, in 2010.

- Lack of rules with regard to spas

During a previous investigation, a citizen had complained about the harmful effects derived from the presence of an outdoor spa, in her neighbor's backyard. Arrondissement Le Sud-Ouest had then informed us that they had no By-Law governing the installation of spas in backyards. Our office was very surprised, considering the growing popularity of spas, in backyards.

After due consideration, the borough confirmed that it would modify its By-Laws so as to oversee the installation of spas, in backyards: backyard spas are now subject to similar standards and requirements as pools.

These rules are available on the borough's Web site.

- Office municipal d'habitation de Montréal: Bureau des Plaintes

In spite of the creation of a *Bureau des plaintes* (Complaints Office) within the OMHM, in 2006, the **OMBUDSMAN DE MONTRÉAL** continues to receive and to handle many files regarding the OMHM. We received 98 such requests in 2009: 7 were clearly inadmissible, 6 were withdrawn before investigation, 68 were referred by our office to the OMHM's *Bureau des Plaintes* and in 17 cases, we investigated the file.



- **Restricted access to personal information in the computerized Registers of Cour municipale de Montréal**

Thanks to the perseverance of the **OMBUDSMAN DE MONTRÉAL**, citizens who were acquitted or otherwise exonerated of a criminal accusation can submit an *Application for restriction of access to information contained in the court's computerized registers in criminal matters*. When such a request is granted, the criminal file in question is no longer accessible to the public.

The significant number of requests submitted and accepted, from year to year, confirms the importance of this new measure. Since this procedure came into effect, over 1500 citizens have benefited from this restriction of access.

- **Furniture of tenants who are evicted from their dwelling**

Although it is not legally required to, Ville de Montréal has, for many years, picked up the furniture and other personal effects that are put on the street by bailiffs, following the eviction of a tenant: this measure prevents these goods from being quickly stolen or broken by third parties.

In former Ville de Montréal, Central administration picked up and stored these belongings in its municipal pound, for up to two months. This service was not free and, to get back their furniture, citizens had to pay the transportation and storage fees, unless the **OMBUDSMAN DE MONTRÉAL** issued a **RECOMMENDATION** to reduce the cost or extend the usual storage period for citizens in a difficult situation.

As of January 1st, 2009, the Central administration no longer offers this service and the 9 boroughs of the former Ville de Montréal took it over. Each of the 19 boroughs of Montréal now has its own rules which can substantially vary especially with regards to the amounts to be charged to citizens, for such a service.

The **OMBUDSMAN DE MONTRÉAL** still intervenes in these files, when the need arises. We have gathered various information from all of the 19 boroughs of Montréal and we plan to sum up the state of the situation, on the whole territory: we may possibly issue comments or recommendations in order to ensure a better management of these files and a greater harmonization between boroughs.



D. Testimonials from citizens

Citizens are often surprised by the swiftness of our interventions, the attention we give their file, the regular follow-ups that we make and the maintained efforts that we display to resolve the problems they submit. Many call us to thank us and some even take the time to write.

Here are some particularly touching extracts of testimonials we have received in 2009:

-
- ◆ *"...All during the last months, you have shown professionalism, diplomacy, and even, at times, empathy towards me, all the while keeping your impartiality..."*

All of this reinforced the trust that I felt for an entity such as yours and the hope I had to be understood by someone objective, from the outside.

Thank you so much for everything."

(Translation)

- ◆ *"Just a small word of appreciation in regards to the file I had my heart set on..."*

Without your greatly appreciated involvement and collaboration, we would still be sleeping badly at night...

During the entire process, I also appreciated not stumbling upon an answering machine at your office and always finding a concerned and listening ear.

So, thank you for all that you have done for us in this file."

(Translation)

-
- ◆ *"We know the extent to which the resolution of this file was long and tortuous. Also, we must thank you... for your patience and unequalled professionalism... during the entire process..."*

To say it all, two years ago when we enquired with you, it was with little conviction. We had doubts about bias and a favourable result for us. At the time, we perceived you as another administrative machine, blind and deaf, in the image of the one we had already been confronted to during our process with the borough representatives...

Be assured that, from now on, we will not hesitate to praise the quality and the efficiency of your services every time the occasion will arise..."

(Translation)



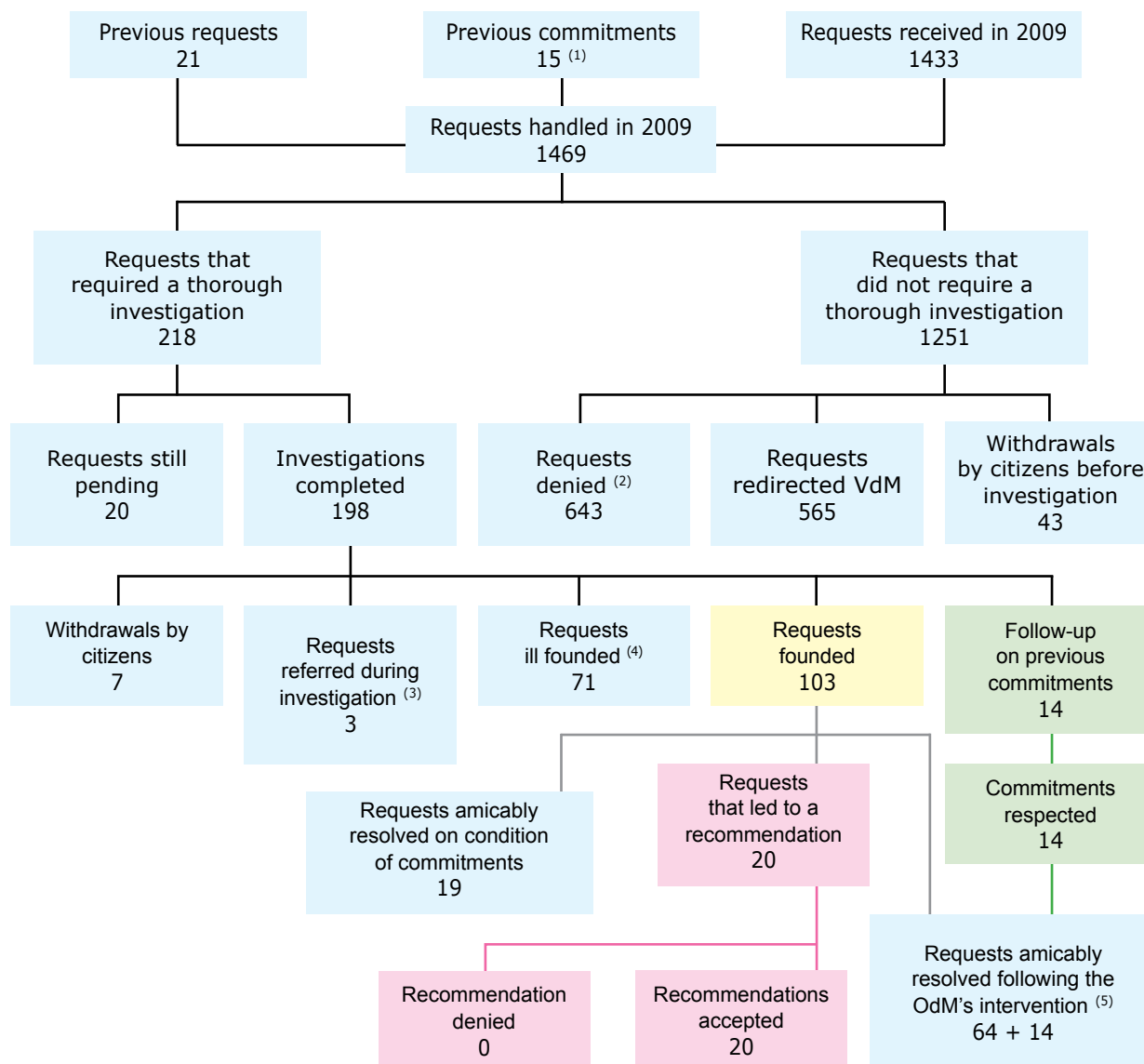
building bridges

E. 2009 Statistic Tables

Table 1

Requests handled in 2009

(Including "Charter files")



- (1) 11 out of these 15 commitments have been suscribed in 2009 (1433 + 11 = 1444 requests total in 2009).
- (2) These are requests over which the OdM generally does not have jurisdiction.
- (3) These are requests for which the OdM deemed preferable to redirect the citizen back to the concerned director, during the investigation, given his willingness to resolve the matter with no need to issue a formal recommendation.
- (4) 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.
- (5) 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		
	2007	2008	2009
Access to information	46	40	39
Acquired rights	5	5	1
Alley	6	7	12
Animal	15	22	10
Application of By-Laws	53	78	42
Aqueduct / Sewer	13	19	13
Cleanliness	2	25	12
Communications	15	10	25
Conduct of an employee	94	124	96
Conflict of interests	1	1	0
Court decision	24	43	34
Culture	1	1	1
Cycling path	4	5	4
Decision of a Borough Council	3	12	2
Decision of the City Council	5	3	3
Decision of the Executive Committee	1	1	3
Driveway entrance	5	6	3
Environment / Sustainable development	3	5	3
Evaluation / Real estate tax	33	30	35
Fence	5	10	6
Financial compensation (aqueduct / sewer)	9	2	11
Financial compensation (climate event)	1	3	0
Financial compensation (fall on sidewalk)	14	29	27
Financial compensation (municipal pound)	8	5	5
Financial compensation (municipal works)	9	30	11

Table 2 (continued)

Subject of requests

(Including "Charter files")

SUBJECT	NUMBER		
	2007	2008	2009
Financial compensation (other)	47	55	49
Financial compensation (pothole)	5	11	8
Financial compensation (road incident)	7	5	8
Financial compensation (tree)	4	4	2
Fire / Public safety	12	6	12
Garbage / Recycling	19	38	30
Handicapped person	7	16	9
Human rights	3	3	6
Immigration	8	3	4
Labour relations	41	38	39
Library	3	4	2
Management of underground pipes	0	2	0
Miscellaneous	42	54	46
Municipal court	54	91	80
Noise	42	54	36
Nuisance	14	25	23
Parking / SRRR / Vignettes	66	59	54
Parks and green spaces	11	11	4
Permit	49	56	41
Pound (other)	9	5	5
Pound (storage of furniture)	46	63	29
Public health	29	24	29
Public organizations	55	108	123
Public participation	7	10	3

Table 2 (continued)

Subject of requests

(Including "Charter files")

SUBJECT	NUMBER		
	2007	2008	2009
Road works / Public works	40	63	63
Snow removal	30	40	19
Social housing / HLM / Housing subsidies	62	86	94
Sports and leisure	18	23	15
Subsidy other than housing	23	15	19
Tax (except real estate)	18	24	23
Taxi	2	3	0
Tenant / Landlord relations	26	40	28
Tenders	2	3	7
Towing	2	10	8
Traffic	16	27	22
Transportation	6	23	21
Tree	33	37	35
Universal access	2	4	2
Violation of law	27	34	29
Volunteers	2	0	0
Winter temporary shelter	1	2	2
Zoning / Urban planning / Exemption	16	18	17
TOTAL	1281	1713	1444

Table 3

Results of request – 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	39	0	5	32	0	0	1	1	0	0	0	0
Acquired rights	1	0	0	1	0	0	0	0	0	0	0	0
Alley	12	2	5	0	0	0	0	1	0	0	0	4
Animal	10	0	7	2	0	0	0	0	0	0	0	1
Application of By-Laws	42	0	27	6	1	0	3	3	0	0	1	1
Aqueduct / Sewer	13	0	8	2	0	1	1	1	0	0	0	0
Cleanliness	12	0	9	1	0	0	1	1	0	0	0	0
Communications	25	0	14	8	0	0	0	2	0	0	0	1
Conduct of an employee	96	0	27	67	0	0	2	0	0	0	0	0
Court decision	34	0	0	34	0	0	0	0	0	0	0	0
Culture	1	0	1	0	0	0	0	0	0	0	0	0
Cycling path	4	0	4	0	0	0	0	0	0	0	0	0
Decision of a Borough Council	2	0	0	1	0	0	1	0	0	0	0	0
Decision of the City Council	3	0	0	3	0	0	0	0	0	0	0	0
Decision of the Executive Committee	3	0	0	3	0	0	0	0	0	0	0	0
Driveway entrance	3	0	1	1	0	0	1	0	0	0	0	0
Environment / Sustainable development	3	0	2	1	0	0	0	0	0	0	0	0
Evaluation / Real estate tax	35	1	18	8	0	0	5	2	0	0	1	0
Fence	6	1	4	1	0	0	0	0	0	0	0	0
Financial compensation (aqueduct / sewer)	11	0	0	11	0	0	0	0	0	0	0	0
Financial compensation (fall on sidewalk)	27	0	1	23	0	0	1	2	0	0	0	0

Table 3 (continued)

Results of request – 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
Financial compensation (municipal pound)	5	0	0	5	0	0	0	0	0	0	0	0
Financial compensation (municipal works)	11	0	0	11	0	0	0	0	0	0	0	0
Financial compensation (other)	49	1	5	42	0	0	0	1	0	0	0	0
Financial compensation (potholes)	8	0	0	8	0	0	0	0	0	0	0	0
Financial compensation (road incident)	8	0	0	8	0	0	0	0	0	0	0	0
Financial compensation (tree)	2	0	0	2	0	0	0	0	0	0	0	0
Fire / Public safety	12	0	9	0	0	0	1	2	0	0	0	0
Garbage / Recycling	30	1	19	6	0	0	1	3	0	0	0	0
Handicapped person	9	0	5	1	0	0	1	1	0	0	0	1
Human rights	6	0	1	5	0	0	0	0	0	0	0	0
Immigration	4	0	0	4	0	0	0	0	0	0	0	0
Labour relations	39	0	0	39	0	0	0	0	0	0	0	0
Library	2	1	1	0	0	0	0	0	0	0	0	0
Miscellaneous	46	4	12	29	0	0	0	0	0	1	0	0
Municipal court	80	1	45	22	1	0	5	6	0	0	0	0
Noise	36	2	18	0	1	0	2	1	0	10	1	1
Nuisance	23	1	9	4	0	1	4	2	0	0	2	0
Parking / SRRR / Vignettes	54	3	26	18	0	0	3	1	0	1	2	0
Parks and green spaces	4	0	2	0	0	0	1	0	0	0	1	0
Permit	41	3	31	1	0	0	2	3	0	0	0	1

Table 3 (continued)

Results of request – 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
Pound (other)	5	0	1	1	0	0	2	1	0	0	0	0
Pound (storage of furniture)	29	1	7	1	1	0	1	1	15	0	0	2
Public health	29	4	18	3	0	0	1	1	0	0	1	1
Public organization	123	0	0	123	0	0	0	0	0	0	0	0
Public participation	3	1	0	0	0	0	2	0	0	0	0	0
Road works / Public works	63	1	57	0	0	0	1	2	0	0	1	1
Snow removal	19	1	14	2	0	0	0	0	0	1	1	0
Social housing / HLM / Housing subsidies	94	5	65	7	0	0	6	9	0	0	0	2
Sports and leisure	15	2	11	1	0	0	1	0	0	0	0	0
Subsidy other than housing	19	1	12	1	0	0	2	2	0	0	0	1
Tax (except real estate)	23	2	12	5	0	0	2	2	0	0	0	0
Tenant / Landlord relations	28	0	0	28	0	0	0	0	0	0	0	0
Tenders	7	0	5	1	0	0	1	0	0	0	0	0
Towing	8	1	2	0	0	1	1	2	0	0	0	1
Traffic	22	1	11	6	0	0	3	1	0	0	0	0
Transportation	21	0	0	21	0	0	0	0	0	0	0	0
Tree	35	1	25	3	0	0	2	2	1	1	0	0
Universal access	2	0	0	0	0	0	0	0	0	2	0	0
Violation of law	29	0	0	29	0	0	0	0	0	0	0	0
Winter temporary shelter	2	0	2	0	0	0	0	0	0	0	0	0
Zoning / Urban Planning / Exemption	17	1	7	1	0	0	5	0	1	1	0	1
GRAND TOTAL	1444	43	565	643	4	3	66	56	17	17	11	19

Table 4

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

BOROUGH	NUMBER		
	2007	2008	2009
Ahuntsic-Cartierville	38	59	62
Anjou	4	10	9
Côte-des-Neiges – Notre-Dame-de-Grâce	46	90	31
L'Île-Bizard – Sainte-Geneviève	4	7	6
Lachine	15	14	3
LaSalle	13	14	23
Le Plateau-Mont-Royal	38	85	70
Le Sud-Ouest	34	28	30
Mercier – Hochelaga-Maisonneuve	37	57	49
Montréal-Nord	18	15	16
Outremont	8	6	4
Pierrefonds-Roxboro	4	9	6
Rivière-des-Prairies – Pointe-aux-Trembles	19	28	33
Rosemont – La Petite-Patrie	63	56	46
Saint-Laurent	16	18	12
Saint-Léonard	7	15	5
Verdun	7	28	22
Ville-Marie	65	109	60
Villeray – Saint-Michel – Parc-Extension	36	33	29
Special investigations concerning all boroughs	0	3	2
TOTAL	472	684	518

Table 5

Requests falling under boroughs' jurisdiction – By subject

(Including "Charter files")

BOROUGH	SUBJECT	NUMBER 2009	%
Ahuntsic-Cartierville	Access to information	2	3.23
	Acquired rights	1	1.61
	Alley	1	1.61
	Application of By-Laws	1	1.61
	Aqueduct / Sewer	2	3.23
	Cleanliness	1	1.61
	Communications	1	1.61
	Conduct of an employee	4	6.45
	Cycling path	1	1.61
	Fence	2	3.23
	Garbage / Recycling	3	4.84
	Noise	3	4.84
	Nuisance	2	3.23
	Parking / SRRR / Vignettes	4	6.45
	Parks and green spaces	1	1.61
	Permit	5	8.06
	Road works / Public works	13	20.97
	Snow removal	1	1.61
	Sports and leisure	1	1.61
	Towing	1	1.61
	Traffic	3	4.84
	Tree	9	14.52
	TOTAL	62	100%
Anjou	Access to information	2	22.22
	Noise	2	22.22
	Nuisance	1	11.11
	Sports and leisure	2	22.22
	Traffic	2	22.22
	TOTAL	9	100%

Table 5 (continued)

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

BOROUGH	SUBJECT	NUMBER 2009	%
Côte-des-Neiges – Notre-Dame-de-Grâce	Aqueduct / Sewer	1	3.23
	Cleanliness	1	3.23
	Communications	1	3.23
	Decision of the Borough Council	1	3.23
	Garbage / Recycling	3	9.68
	Human rights	1	3.23
	Library	1	3.23
	Noise	2	6.45
	Nuisance	1	3.23
	Parking / SRRR / Vignettes	3	9.68
	Permit	4	12.9
	Public health	1	3.23
	Road works / Public works	4	12.9
	Traffic	2	6.45
	Tree	4	12.9
	Zoning / Urban planning / Exemption	1	3.23
	TOTAL	31	100%
L'Île-Bizard – Sainte-Geneviève	Application of By-Laws	2	33.33
	Conduct of an employee	1	16.67
	Miscellaneous	1	16.67
	Parking / SRRR / Vignettes	1	16.67
	Zoning / Urban planning / Exemption	1	16.67
	TOTAL	6	100%
Lachine	Application of By-Laws	1	33.33
	Permit	2	66.67
	TOTAL	3	100%

Table 5 (continued)

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

BOROUGH	SUBJECT	NUMBER 2009	%
LaSalle	Access to information	5	21.74
	Animal	1	4.35
	Application of By-Laws	2	8.7
	Conduct of an employee	1	4.35
	Evaluation / Real estate tax	1	4.35
	Miscellaneous	1	4.35
	Parking / SRRR / Vignettes	1	4.35
	Permit	2	8.7
	Pound (storage of furniture)	2	8.7
	Public health	1	4.35
	Public participation	2	8.7
	Road works / Public works	2	8.7
	Winter temporary shelter	2	8.7
TOTAL		23	100%
Le Plateau-Mont-Royal	Access to information	2	2.86
	Alley	3	4.29
	Animal	2	2.86
	Application of By-Laws	5	7.14
	Aqueduct / Sewer	1	1.43
	Cleanliness	1	1.43
	Communications	2	2.86
	Conduct of an employee	2	2.86
	Culture	1	1.43
	Decision of the Borough Council	1	1.43
	Driveway entrance	1	1.43
	Fence	1	1.43
	Fire / Public safety	1	1.43
	Garbage / Recycling	3	4.29
	Handicapped person	2	2.86

Table 5 (continued)

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

BOROUGH	SUBJECT	NUMBER 2009	%
Le Plateau-Mont-Royal (continued)	Miscellaneous	1	1.43
	Noise	4	5.71
	Nuisance	1	1.43
	Parking / SRRR / Vignettes	5	7.14
	Permit	5	7.14
	Pound (storage of furniture)	1	1.43
	Public health	5	7.14
	Road works / Public works	10	14.29
	Snow removal	3	4.29
	Tax (except real estate)	1	1.43
	Towing	1	1.43
	Traffic	1	1.43
	Tree	2	2.86
	Zoning / Urban planning / Exemption	2	2.86
TOTAL		70	100%
Le Sud-Ouest	Application of By-Laws	6	20
	Aqueduct / Sewer	2	6.67
	Garbage / Recycling	1	3.33
	Handicapped person	1	3.33
	Noise	2	6.67
	Parks and green spaces	1	3.33
	Permit	2	6.67
	Public health	4	13.33
	Road works / Public works	4	13.33
	Snow removal	2	6.67
	Subsidy other than housing	1	3.33
	Traffic	3	10
	Tree	1	3.33
TOTAL		30	100%

Table 5 (continued)

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

BOROUGH	SUBJECT	NUMBER 2009	%
Mercier – Hochelaga-Maisonneuve	Access to information	3	6.12
	Animal	2	4.08
	Application of By-Laws	2	4.08
	Aqueduct / Sewer	2	4.08
	Cleanliness	4	8.16
	Cycling path	1	2.04
	Garbage / Recycling	4	8.16
	Handicapped person	1	2.04
	Parking / SRRR / Vignettes	2	4.08
	Permit	1	2.04
	Pound (storage of furniture)	2	4.08
	Public health	4	8.16
	Road works / Public works	10	20.41
	Snow removal	2	4.08
	Sports and leisure	1	2.04
	Traffic	3	6.12
	Tree	5	10.2
	TOTAL	49	100%
Montréal-Nord	Access to information	1	6.25
	Alley	2	12.5
	Conduct of an employee	1	6.25
	Fence	2	12.5
	Nuisance	1	6.25
	Parking / SRRR / Vignettes	1	6.25
	Permit	2	12.5
	Public health	1	6.25

Table 5 (continued)

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

BOROUGH	SUBJECT	NUMBER 2009	%
Montréal-Nord (continued)	Road works / Public works	2	12.5
	Snow removal	1	6.25
	Sports and leisure	1	6.25
	Tree	1	6.25
	TOTAL	16	100%
Outremont	Application of By-Laws	1	25
	Garbage / Recycling	1	25
	Traffic	1	25
	Zoning / Urban planning / Exemption	1	25
	TOTAL	4	100%
Pierrefonds-Roxboro	Conduct of an employee	1	16.67
	Fire / Public safety	2	33.33
	Garbage / Recycling	1	16.67
	Zoning / Urban planning / Exemption	2	33.33
	TOTAL	6	100%
Rivière-des-Prairies – Pointe-aux-Trembles	Access to information	2	6.06
	Animal	3	9.09
	Application of By-Laws	4	12.12
	Aqueduct / Sewer	1	3.03
	Communications	1	3.03
	Driveway entrance	2	6.06
	Fence	1	3.03
	Garbage / Recycling	1	3.03
	Library	1	3.03
	Noise	1	3.03
	Nuisance	3	9.09

Table 5 (continued)

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

BOROUGH	SUBJECT	NUMBER 2009	%
Rivière-des-Prairies – Pointe-aux-Trembles (continued)	Parks and green spaces	1	3.03
	Permit	3	9.09
	Pound (storage of furniture)	1	3.03
	Public health	1	3.03
	Road works / Public works	2	6.06
	Tax (except real estate)	1	3.03
	Tree	4	12.12
	TOTAL	33	100%
Rosemont – La Petite-Patrie	Access to information	1	2.17
	Alley	2	4.35
	Animal	1	2.17
	Application of By-Laws	2	4.35
	Aqueduct / Sewer	2	4.35
	Conduct of an employee	1	2.17
	Cycling path	1	2.17
	Environment / Sustainable development	1	2.17
	Garbage / Recycling	3	6.52
	Noise	1	2.17
	Nuisance	3	6.52
	Parking / SRRR / Vignettes	3	6.52
	Permit	3	6.52
	Public health	4	8.7
	Road works / Public works	4	8.7
	Snow removal	5	10.87
	Tree	2	4.35
	Zoning / Urban planning / Exemption	7	15.22
	TOTAL	46	100%

Table 5 (continued)

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

BOROUGH	SUBJECT	NUMBER 2009	%
Saint-Laurent	Access to information	1	8.33
	Application of By-Laws	1	8.33
	Aqueduct / Sewer	1	8.33
	Cleanliness	2	16.67
	Conduct of an employee	1	8.33
	Garbage / Recycling	1	8.33
	Noise	1	8.33
	Public health	1	8.33
	Road works / Public works	2	16.67
	Tree	1	8.33
	TOTAL	12	100%
Saint-Léonard	Permit	2	40
	Road works / Public works	1	20
	Sports and leisure	1	20
	Tax (except real estate)	1	20
	TOTAL	5	100%
Verdun	Application of By-Laws	3	13.64
	Cleanliness	1	4.55
	Communications	1	4.55
	Nuisance	2	9.09
	Parking / SRRR / Vignettes	4	18.18
	Permit	1	4.55
	Pound (storage of furniture)	3	13.64
	Public health	1	4.55
	Road works / Public works	2	9.09
	Sports and leisure	1	4.55
	Tree	2	9.09
	Zoning / Urban planning / Exemption	1	4.55
	TOTAL	22	100%

Table 5 (continued)

Requests falling under boroughs' jurisdiction – By subject

(Including "Charter files")

BOROUGH	SUBJECT	NUMBER 2009	%
Ville-Marie	Animal	1	1.67
	Application of By-Laws	6	10
	Cleanliness	2	3.33
	Communications	1	1.67
	Conduct of an employee	1	1.67
	Cycling path	1	1.67
	Garbage / Recycling	5	8.33
	Handicapped person	1	1.67
	Miscellaneous	1	1.67
	Noise	10	16.67
	Nuisance	1	1.67
	Parking / SRRR / Vignettes	3	5
	Permit	8	13.33
	Pound (storage of furniture)	10	16.67
	Public health	1	1.67
	Road works / Public works	2	3.33
	Snow removal	4	6.67
	Traffic	1	1.67
	Tree	1	1.67
	TOTAL	60	100%

Table 5 (continued)

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

BOROUGH	SUBJECT	NUMBER 2009	%
Villeray – Saint-Michel – Parc-Extension	Alley	2	6.9
	Application of By-Laws	1	3.45
	Communications	1	3.45
	Conduct of an employee	1	3.45
	Garbage / Recycling	2	6.9
	Handicapped person	1	3.45
	Nuisance	2	6.9
	Parking / SRRR / Vignettes	1	3.45
	Permit	1	3.45
	Pound (storage of furniture)	3	10.34
	Public health	3	10.34
	Public participation	1	3.45
	Road works / Public works	3	10.34
	Sports and leisure	2	6.9
	Tenders	1	3.45
	Traffic	1	3.45
	Tree	2	6.9
	Zoning / Urban planning / Exemption	1	3.45
	TOTAL	29	100%
Special investigations concerning all boroughs	Financial compensation (fall on sidewalk)	1	50
	Pound (storage of furniture)	1	50
	TOTAL	2	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	62	1	43	9	0	0	2	4	1	1	0	1
Anjou	9	2	3	1	0	0	0	1	0	1	1	0
Côte-des-Neiges – Notre-Dame-de-Grâce	31	3	19	4	0	0	3	0	0	1	0	1
L'Île-Bizard – Sainte-Geneviève	6	1	3	0	0	0	1	1	0	0	0	0
Lachine	3	0	3	0	0	0	0	0	0	0	0	0
LaSalle	23	1	12	4	0	0	3	2	1	0	0	0
Le Plateau-Mont-Royal	70	1	51	7	0	1	5	1	0	0	2	2
Le Sud-Ouest	30	1	21	1	1	0	3	1	0	0	2	0
Mercier – Hochelaga-Maisonneuve	49	1	36	3	0	0	2	3	0	0	1	3
Montréal-Nord	16	1	9	3	0	0	0	1	0	0	1	1
Outremont	4	1	1	0	0	0	1	1	0	0	0	0
Pierrefonds-Roxboro	6	0	4	0	0	0	0	1	1	0	0	0
Rivière-des-Prairies – Pointe-aux-Trembles	33	0	18	4	1	1	3	3	1	1	1	0
Rosemont – La Petite-Patrie	46	3	32	1	0	0	4	2	0	1	1	2
Saint-Laurent	12	0	10	1	0	0	1	0	0	0	0	0
Saint-Léonard	5	1	3	0	0	0	0	1	0	0	0	0
Verdun	22	4	10	0	0	0	2	0	3	1	1	1
Ville-Marie	60	2	39	2	1	0	3	3	5	3	0	2
Villeray – Saint-Michel – Parc-Extension	29	2	19	3	0	0	2	1	1	0	0	1
Special investigations concerning all boroughs	2	0	0	0	0	0	0	1	0	0	0	1
GRAND TOTAL	518	25	336	43	3	2	35	27	13	9	10	15

Table 7

Number of requests falling under Central departments' jurisdiction

(Including "Charter files")

DEPARTMENT	2007	NUMBER 2008	2009
Affaires corporatives			
Direction des affaires pénales et criminelles	76	127	108
Direction du contentieux	68	108	88
Direction du greffe	5	6	7
Direction de l'administration et du soutien opérationnel (municipal pound)	48	62	6⁽⁶⁾
Direction de l'évaluation foncière	16	11	6
Direction de l'approvisionnement	0	1	2
Direction du matériel roulant et des ateliers	0	0	1
Communications et relations avec les citoyens			
All departments included	3	1	4
Finances			
Direction des revenus et de la fiscalité	34	43	46
Direction de la comptabilité et du contrôle financier	1	0	1
Direction de la gestion financière	0	0	1
Développement culturel, qualité du milieu de vie et diversité ethnoculturelle			
Direction du développement culturel	2	2	0
Direction des sports, loisirs, parcs et espaces verts	4	n/a ⁽⁷⁾	n/a
Direction des sports ⁽⁸⁾	n/a	3	3
Direction des grands parcs et de la nature en ville ⁽⁹⁾	n/a	3	1
Direction des Muséums nature de Montréal	0	1	0
Direction de la diversité sociale	2	0	0
Direction des événements et équipements - Ville	1	0	0
Bureau du Mont-Royal	0	2	1
Direction sécurité du revenu et développement social	1	n/a ⁽¹⁰⁾	n/a
Capital humain			
All departments included	33	27	21

(6) In 2009, the storage of furniture from evicted tenants have been passed on to boroughs.

(7) In 2008, this department was broken down in two distinct departments. See notes 8 and 9.

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

(9) See note 8.

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

Table 7 (continued)

Number of requests falling under Central departments' jurisdiction

(Including "Charter files")

DEPARTMENT	2007	NUMBER 2008	2009
Mise en valeur du territoire et du patrimoine			
Direction des immeubles	3	1	1
Direction de l'habitation	19	13	17
Direction stratégies et transactions immobilières	0	4	4
Bureau du patrimoine, de la toponymie et de l'expertise	1	0	1
Infrastructures, transport et environnement			
Direction de l'environnement et du développement durable	1	5	4
Direction des transports	3	2	1
Direction de la réalisation des travaux	1	1	2
Direction de l'eau	2	2	2
Direction unité de la propreté et du déneigement ⁽¹¹⁾	n/a	n/a	1
Police			
Service des communications opérationnelles	11	8	2
Direction du service de police	86	106	106
Direction des opérations corporatives (parking agents)	36	23	34
Sécurité incendie de Montréal			
All departments included	11	10	16
TOTAL	468	572	487

(11) New department within Ville de Montréal, since 2009.

Table 8

Requests falling under Central departments' jurisdiction - By subject

(Including " Charter files ")

DEPARTMENT / SUBJECT	NUMBER 2009	%
Affaires corporatives		
Direction des affaires pénales et criminelles		
Communications	2	0.92
Conduct of an employee	2	0.92
Court decision	23	10.55
Miscellaneous	1	0.46
Municipal court	80	36.7
Direction du contentieux		
Conduct of an employee	3	1.38
Financial compensation (aqueduct / sewer)	11	5.05
Financial compensation (fall on sidewalk)	27	12.38
Financial compensation (municipal pound)	5	2.29
Financial compensation (municipal works)	11	5.05
Financial compensation (other)	14	6.42
Financial compensation (pothole)	8	3.67
Financial compensation (road incident)	7	3.21
Financial compensation (tree)	2	0.92
Direction du greffe		
Access to information	5	2.29
Miscellaneous	1	0.46
Tenders	1	0.46
Direction de l'administration et du soutien opérationnel (municipal pound)		
Pound (storage of furniture)	6	2.75
Direction de l'évaluation foncière		
Conduct of an employee	1	0.46
Evaluation / Real estate tax	4	1.83
Financial compensation (other)	1	0.46

Table 8 (continued)

Requests falling under Central departments' jurisdiction - By subject

(Including " Charter files ")

DEPARTMENT / SUBJECT	NUMBER 2009	%
Direction de l'approvisionnement		
Tenders	2	0.92
Direction du matériel roulant et des ateliers		
Miscellaneous	1	0.46
TOTAL	218	100%
Communications et relations avec les citoyens		
All departments included		
Communications	3	75
Conduct of an employee	1	25
TOTAL	4	100%
Finances		
Direction des revenus et de la fiscalité		
Conduct of an employee	1	2.08
Evaluation / Real estate tax	27	56.25
Tax (except real estate)	18	37.5
Direction de la comptabilité et du contrôle financier		
Financial compensation (other)	1	2.08
Direction de la gestion financière		
Labour relations	1	2.08
TOTAL	48	100%

Table 8 (continued)

Requests falling under Central departments' jurisdiction - By subject

(Including " Charter files ")

DEPARTMENT / SUBJECT	NUMBER 2009	%
Développement culturel, qualité du milieu de vie et diversité ethnoculturelle		
Direction des sports		
Sports and leisure	3	60
Direction des grands parcs et de la nature en ville		
Parks and green spaces	1	20
Bureau du Mont-Royal		
Parks and green spaces	1	20
TOTAL	5	100%
Capital humain		
All departments included		
Labour relations	21	100
TOTAL	21	100%
Mise en valeur du territoire et du patrimoine		
Direction des immeubles		
Conduct of an employee	1	4.35
Direction de l'habitation		
Subsidy other than housing	17	73.91
Direction stratégies et transactions immobilières		
Alley	2	8.7
Miscellaneous	2	8.7
Bureau du patrimoine, de la toponymie et de l'expertise		
Subsidy other than housing	1	4.35
TOTAL	23	100%

Table 8 (continued)

Requests falling under Central departments' jurisdiction - By subject

(Including " Charter files ")

DEPARTMENT / SUBJECT	NUMBER 2009	%
Infrastructures, transport et environnement		
Direction de l'environnement et du développement durable		
Communications	1	10
Environment / Sustainable development	1	10
Garbage / Recycling	1	10
Miscellaneous	1	10
Direction des transports		
Subsidy other than housing	1	10
Direction de la réalisation des travaux		
Road works / Public works	2	20
Direction de l'eau		
Financial compensation (other)	1	10
Tenders	1	10
Direction de l'unité de la propreté et du déneigement		
Snow removal	1	10
TOTAL	10	100%
Police		
Service des communications opérationnelles		
Micellaneous	1	0.7
Towing	1	0.7
Direction du service de police		
Access to information	7	4.93
Application of By-Laws	2	1.41
Communications	1	0.7
Conduct of an employee	42	29.58
Financial compensation (other)	1	0.7
Labour relations	1	0.7
Miscellaneous	5	3.52

Table 8 (continued)

Requests falling under Central departments' jurisdiction - By subject

(Including " Charter files ")

DEPARTMENT / SUBJECT	NUMBER 2009	%
Direction du service de police (continued)		
Nuisance	4	2.82
Parking / SRRR / Vignettes	2	1.41
Pound (other)	4	2.82
Towing	4	2.82
Traffic	5	3.52
Violation of law	28	19.72
Direction des opérations corporatives		
Access to information	1	0.7
Communications	1	0.7
Conduct of an employee	8	5.63
Parking / SRRR / Vignettes	22	15.49
Towing	2	1.41
TOTAL	142	100%
Sécurité incendie de Montréal		
All departments included		
Access to information	1	6.25
Conduct of an employee	3	18.75
Fire / Public safety	12	75
TOTAL	16	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	108	1	50	45	1	0	5	6	0	0	0	0
Direction du contentieux	88	0	4	80	0	0	1	3	0	0	0	0
Direction du greffe	7	0	1	5	0	0	1	0	0	0	0	0
Direction de l'administration et du soutien opérationnel (municipal pound)	6	1	1	0	0	0	0	0	4	0	0	0
Direction de l'évaluation foncière	6	0	4	2	0	0	0	0	0	0	0	0
Direction de l'approvisionnement	2	0	2	0	0	0	0	0	0	0	0	0
Direction du matériel roulant et des ateliers	1	0	1	0	0	0	0	0	0	0	0	0
TOTAL	218	2	63	132	1	0	7	9	4	0	0	0
Communications et relations avec les citoyens												
All departments included	4	0	4	0	0	0	0	0	0	0	0	0
TOTAL	4	0	4	0	0	0	0	0	0	0	0	0
Finances												
Direction des revenus et de la fiscalité	46	3	29	5	0	0	6	2	0	0	1	0
Direction de la comptabilité et du contrôle financier	1	0	1	0	0	0	0	0	0	0	0	0
Direction de la gestion financière	1	0	0	1	0	0	0	0	0	0	0	0
TOTAL	48	3	30	6	0	0	6	2	0	0	1	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 des sports	3	0	1	1	0	0	1	0	0	0	0	0
Direction des grands parcs et de la nature en ville	1	0	0	0	0	0	0	0	0	0	1	0
Bureau du Mont-Royal	1	0	0	0	0	0	1	0	0	0	0	0
TOTAL	5	0	1	1	0	0	2	0	0	0	1	0
Capital humain												
All departments included	21	0	0	21	0	0	0	0	0	0	0	0
TOTAL	21	0	0	21	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	17	1	11	1	0	0	2	1	0	0	0	1
Direction stratégies et transactions immobilières	4	2	1	0	0	0	0	0	0	0	0	1
Bureau du patrimoine, de la toponymie et de l'expertise	1	0	1	0	0	0	0	0	0	0	0	0
TOTAL	23	3	14	1	0	0	2	1	0	0	0	2

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	4	0	2	0	0	0	1	1	0	0	0	0
Direction des transports	1	0	0	0	0	0	0	1	0	0	0	0
Direction de la réalisation des travaux	2	0	1	0	0	0	0	1	0	0	0	0
Direction de l'eau	2	0	2	0	0	0	0	0	0	0	0	0
Direction de l'unité de la propreté et du déneigement	1	0	1	0	0	0	0	0	0	0	0	0
TOTAL	10	0	6	0	0	0	1	3	0	0	0	0
Service de police												
Service des communications opérationnelles	2	0	0	1	0	0	0	1	0	0	0	0
Direction du service de police	106	1	11	84	0	0	3	7	0	0	0	0
Direction des opérations corporatives	34	0	15	16	0	1	1	0	0	0	0	1
TOTAL	142	1	26	101	0	1	4	8	0	0	0	1
Sécurité incendie de Montréal												
All departments included	16	0	11	2	0	0	1	2	0	0	0	0
TOTAL	16	0	11	2	0	0	1	2	0	0	0	0
GRAND TOTAL	487	9	155	264	1	1	23	25	4	0	2	3

Table 10

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

(Including "Charter files")

ENTITY	NUMBER		
	2007	2008	2009
Commission des services électriques de Montréal	1	1	5
Corporation Anjou 80	1	0	0
Corporation de gestion des marchés publics	1	0	1
Office municipal d'habitation de Montréal (OMHM)	62	96	98
Société du parc Jean-Drapeau	4	2	11
Société d'habitation et de développement de Montréal (SHDM)	14	9	2
Société de transport de Montréal	18	30	33
Société en commandite Stationnement de Montréal	7	3	9
Musée Pointe-à-Callière	0	0	1
Private pound ⁽¹²⁾	1	0	1
TOTAL	109	141	160

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

Table 11

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

(Including "Charter files")

ENTITY / SUBJECT	NUMBER 2009	%
Commission des services électriques de Montréal		
Miscellaneous	5	100
TOTAL	5	100%
Corporation de gestion des marchés publics		
Handicapped person	1	100
TOTAL	1	100%
Office municipal d'habitation de Montréal (OMHM)		
Access to information	1	1.02
Conduct of an employee	1	1.02
Financial compensation (other)	3	3.06
Miscellaneous	2	2.04
Social housing / HLM / Housing subsidies	90	91.84
Tenders	1	1.02
TOTAL	98	100%
Société du parc Jean-Drapeau		
Noise	10	90.91
Sports and leisure	1	9.09
TOTAL	11	100%
Société d'habitation et de développement de Montréal (SHDM)		
Communications	1	50
Social housing / HLM / Housing subsidies	1	50
TOTAL	2	100%

Table 11 (continued)

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

(Including "Charter files")

ENTITY / SUBJECT	NUMBER 2009	%
Société de transport de Montréal		
Application of By-Laws	2	6.06
Cleanliness	1	3.03
Conduct of an employee	4	12.12
Financial compensation (municipal works)	1	3.03
Financial compensation (others)	1	3.03
Human rights	1	3.03
Labour relations	2	6.06
Nuisance	2	6.06
Transportation	18	54.55
Violation of law	1	3.03
TOTAL	33	100%
Société en commandite Stationnement de Montréal		
Access to information	3	33.33
Financial compensation (other)	1	11.11
Handicapped person	1	11.11
Labour relations	1	11.11
Parking / SRRR / Vignettes	1	11.11
Sports and leisure	2	22.22
TOTAL	9	100%
Musée Pointe-à-Callière		
Miscellaneous	1	100
TOTAL	1	100%

Table 12

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

(Including "Charter files")

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
Commission des services électriques de Montréal	5	2	3	0	0	0	0	0	0	0	0	0
Corporation de gestion des marchés publics	1	0	1	0	0	0	0	0	0	0	0	0
Office municipal d'habitation de Montréal (OMHM)	98	6	68	7	0	0	6	9	0	0	0	2
Société du parc Jean-Drapeau	11	1	2	0	0	0	2	0	0	6	0	0
Société d'habitation et de développement de Montréal (SHDM)	2	0	2	0	0	0	0	0	0	0	0	0
Société de transport de Montréal	33	0	0	33	0	0	0	0	0	0	0	0
Société en commandite Stationnement de Montréal	9	0	4	5	0	0	0	0	0	0	0	0
Musée Pointe-à-Callière	1	0	1	0	0	0	0	0	0	0	0	0
GRAND TOTAL	160	9	81	45	0	0	8	9	0	6	0	2

Table 13

Number of requests concerning political entities ⁽¹³⁾

(Including "Charter files")

ENTITY	2007	2008	2009
City Council	8	8	5
Executive Committee	6	6	5
Mayor's Office	0	0	2
Office of City Council Chairman	0	0	2
TOTAL	14	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 2009	%
City Council		
Conduct of an employee	1	20
Decision of the City Council	2	40
Handicapped person	1	20
Miscellaneous	1	20
TOTAL	5	100%
Executive Committee		
Conduct of an employee	1	20
Decision of the Executive Committee	3	60
Sports and leisure	1	20
TOTAL	5	100%
Mayor's Office		
Access to information	1	50
Miscellaneous	1	50
TOTAL	2	100%
Office of City Council Chairman		
Universal access	2	100
TOTAL	2	100%

Table 15

Results of requests concerning political entities

(Including "Charter files")

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
City Council	5	0	0	5	0	0	0	0	0	0	0	0
Executive Committee	5	0	0	4	0	0	1	0	0	0	0	0
Mayor's Office	2	0	0	2	0	0	0	0	0	0	0	0
Office of City Council Chairman	2	0	0	0	0	0	0	0	0	2	0	0
GRAND TOTAL	14	0	0	11	0	0	1	0	0	2	0	0

Table 16

Evolution of requests from 2004 to 2009

(Including "Charter files")

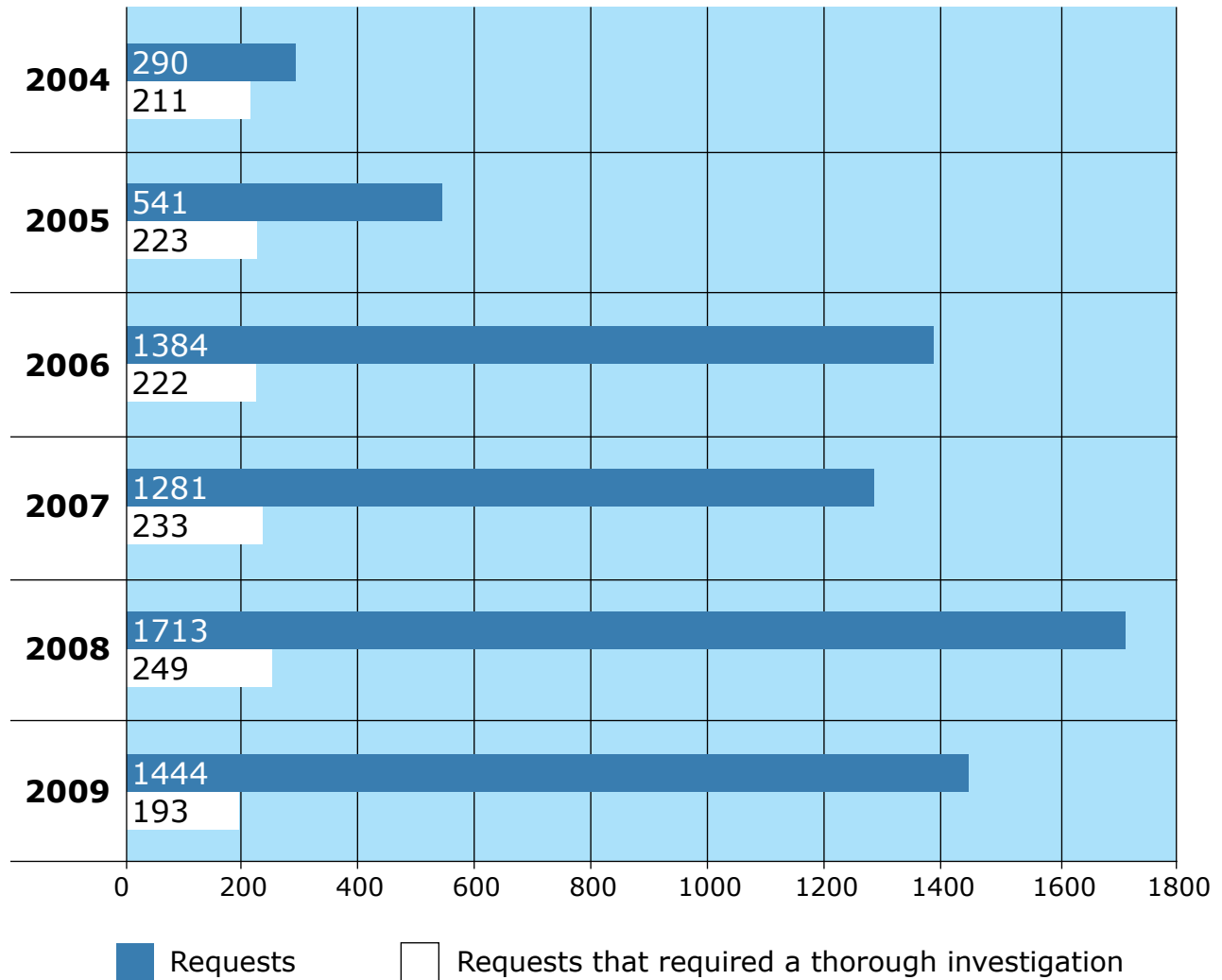


Table 17

Final settlement or 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, 2010	TOTAL	Average delay in working days
2007	1055	33	22	42	50	32	15	32	0	1281	9.99 DAYS
%	82.36	2.58	1.72	3.28	3.9	2.5	1.17	2.5	0	100%	
2008	1448	51	35	42	67	27	15	27	1	1713	6.87 DAYS
%	84.53	2.98	2.04	2.45	3.91	1.58	0.88	1.58	0.06	100%	
2009	1225	48	23	32	50	30	11	6	19	1444	4.85 DAYS
%	84.83	3.32	1.59	2.22	3.46	2.08	0.76	0.42	1.32	100%	

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, 2010	TOTAL	Average delay in working days
2007	20	24	18	42	50	32	15	32	0	233	50.09 DAYS
%	8.58	10.3	7.73	18.03	21.46	13.73	6.44	13.73	0	100%	
2008	14	25	31	42	67	27	15	27	1	249	40.96 DAYS
%	5.62	10.04	12.45	16.87	26.91	10.84	6.02	10.84	0.4	100%	
2009	15	13	19	30	50	30	11	6	19	193	28.72 DAYS
%	7.77	6.74	9.84	15.54	25.91	15.54	5.7	3.11	9.84	100%	

Table18

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

(Including "Charter files")

Requests that required a thorough investigation only

BEWARE – This data must be interpreted with prudence, especially when the number of files is low. Various factors, such as the complexity of the issue, can influence a file's final settlement or final response period. A long final settlement period does not necessarily mean 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, 2010	TOTAL	Average delay in working days
Ahuntsic-Cartierville	0	0	1	2	2	3	0	0	1	9	37.63 DAYS
Anjou	0	0	0	0	1	1	0	1	0	3	70.67 DAYS
Côte-des-Neiges – Notre-Dame-de-Grâce	1	0	0	1	1	1	0	0	1	5	24.75 DAYS
L'Île-Bizard – Sainte-Genève	0	0	0	0	1	0	1	0	0	2	61 DAYS
Lachine	0	0	0	0	0	0	0	0	0	0	-
LaSalle	4	0	0	0	0	0	2	0	0	6	26.17 DAYS
Le Plateau-Mont-Royal	0	0	0	2	3	2	2	0	2	11	44.11 DAYS
Le Sud-Ouest	0	0	2	2	1	1	0	1	0	7	31.71 DAYS
Mercier – Hochelaga-Maisonneuve	0	1	0	1	4	0	0	0	3	9	23.5 DAYS
Montréal-Nord	0	0	0	1	0	1	0	0	1	3	33.5 DAYS
Outremont	0	0	0	0	2	0	0	0	0	2	41.5 DAYS

Table18 (continued)

Final settlement or 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, 2010	TOTAL	Average delay in working days
Pierrefonds-Roxboro	0	0	0	0	0	2	0	0	0	2	57 DAYS
Rivière-des-Prairies – Pointe-aux-Trembles	1	0	1	3	3	1	2	0	0	11	36.18 DAYS
Rosemont – La Petite-Patrie	0	1	0	1	5	1	0	0	2	10	32 DAYS
Saint-Laurent	0	0	0	0	1	0	0	0	0	1	33 DAYS
Saint-Léonard	0	0	0	0	0	1	0	0	0	1	51 DAYS
Verdun	0	0	2	2	3	0	0	0	1	8	23.29 DAYS
Ville-Marie	0	1	2	5	3	4	0	0	2	17	24.8 DAYS
Villeray – Saint-Michel – Parc-Extension	0	1	0	0	1	0	0	2	1	5	55.25 DAYS
Special investigations concerning all boroughs	0	0	0	0	0	1	0	0	1	2	48 DAYS

Table 19

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

(Including "Charter files")

Requests that required a thorough investigation only

BEWARE – This data must be interpreted with prudence, especially when the number of files is low. Various factors, such as the complexity of the issue, can influence a file's final settlement or final response period. A long final settlement period does not necessarily mean 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, 2010	TOTAL	Average delay in working days
Affaires corporatives											
Direction des affaires pénales et criminelles	2	1	5	3	1	0	0	0	0	12	10.17 DAYS
Direction du contentieux	1	0	1	0	0	2	0	0	0	4	26.25 DAYS
Direction du greffe	1	0	0	0	0	0	0	0	0	1	1 DAY
Direction de l'administration et du soutien opérationnel (municipal pound)	1	2	0	1	0	0	0	0	0	4	4.75 DAYS
Finances											
Direction des revenus et de la fiscalité	36	3	0	2	4	1	0	0	0	46	22 DAYS
Développement culturel, qualité du milieu de vie et diversité ethnoculturelle											
Direction des sports	0	0	1	0	0	0	0	0	0	1	9 DAYS
Direction des grands parcs et de la nature en ville	0	0	0	1	0	0	0	0	0	1	13 DAYS

Table 19 (continued)

Final settlement or 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, 2010	TOTAL	Average delay in working days
Bureau du Mont-Royal	0	0	0	0	1	0	0	0	0	1	29 DAYS
Mise en valeur du territoire et du patrimoine											
Direction de l'habitation	1	1	1	0	0	0	0	0	1	4	5 DAYS
Direction stratégies et transactions immobilières	0	0	0	0	0	0	0	0	1	1	-
Infrastructures, transport et environnement											
Direction de l'environne- ment et du développe- ment durable	1	0	1	0	0	0	0	0	0	2	4.5 DAYS
Direction des transports	0	0	0	1	0	0	0	0	0	1	11 DAYS
Direction de la réalisa- tion des travaux	0	0	0	0	1	0	0	0	0	1	35 DAYS
Service de police											
Service des communica- tions opérationnelles	0	0	0	0	0	0	0	1	0	1	142 DAYS
Direction du service de police	0	0	1	0	5	3	1	0	0	10	42.9 DAYS
Direction des opérations corporatives	0	1	0	0	1	0	0	0	1	3	15 DAYS
Sécurité incendie de Montréal											
All departments included	0	1	0	0	1	1	0	0	0	3	32 DAYS

Table 20

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

(Including "Charter files")

Requests that required a thorough investigation only

BEWARE – This data must be interpreted with prudence, especially when the number of files is low. Various factors such as the complexity of the issue, can influence a file's final settlement or final response period. A long final settlement period does not necessarily mean a lack of cooperation from the concerned entity.

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, 2010	TOTAL	Average delay in working days
Office municipal d'habitation de Montréal (OMHM)	1	2	1	3	3	3	1	1	2	17	36.27 DAYS
Société du parc Jean-Drapeau	0	0	0	0	3	5	0	0	0	8	48.38 DAYS

Table 21

Final settlement or response period – Requests concerning political entities

(Including "Charter files")

Requests that required a thorough investigation only

BEWARE – This 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 mean a lack of cooperation from the concerned entity.

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, 2010	TOTAL	Average delay in working days
Executive Committee	0	0	1	0	0	0	0	0	0	1	9 DAYS
Office of City Council Chairman	0	0	0	0	0	0	2	0	0	2	75 DAYS

Table 22

Submission of requests (mode)

MODE	Number 2008	%	Number 2009	%
E-mail	134	7.82	163	11.29
Fax	59	3.44	46	3.19
In person	238	13.89	215	14.89
Mail	93	5.43	95	6.58
Telephone	1189	69.41	925	64.06
TOTAL	1713	100%	1444	100%

Table 23

Demographic data

A. Gender

GENDER	Number	%
Man	778	53.88
Woman	666	46.12
TOTAL	1444	100%

B. Language

LANGUAGE	Number	%
English	211	14.61
French	1233	85.39
TOTAL	1444	100%

C. Age group ⁽¹⁴⁾

AGE GROUP	Number	%
18-25	15	1.04
26-50	639	44.25
51-64	232	16.07
65 or more	174	12.05
Unknown	384	26.59
TOTAL	1444	100%

D. Origin ⁽¹⁵⁾

ORIGIN	Number	%
Canadian	777	53.81
Ethnocultural or visible minority	315	21.81
Unknown	352	24.38
TOTAL	1444	100%

(14) This information has been provided on a voluntary basis: 73.41% of respondents have confirmed their age group.

(15) This information has been provided on a voluntary basis: 75.62% of respondents have given this information.



V Summary of Recommendations issued in 2009 – All files included

We put every effort into play to resolve problematic files through negotiation, conciliation and mediation and we only issue a **RECOMMENDATION** when it is absolutely necessary.

In the great majority of complaints well founded, the department or borough concerned will collaborate and correct, of its own accord, the problematic situation we have identified. This sometimes occurs after long discussions or just before the issuance of a formal **RECOMMENDATION**.

A **RECOMMENDATION** can also be necessary when the representative in charge does not have the authority to derogate from the usual rule or procedure, or when our efforts to obtain the collaboration of all of the entities concerned did not have the anticipated results.

In 2009, the **OMBUDSMAN DE MONTRÉAL** issued **20** formal **RECOMMENDATIONS** of which here is a short glimpse:

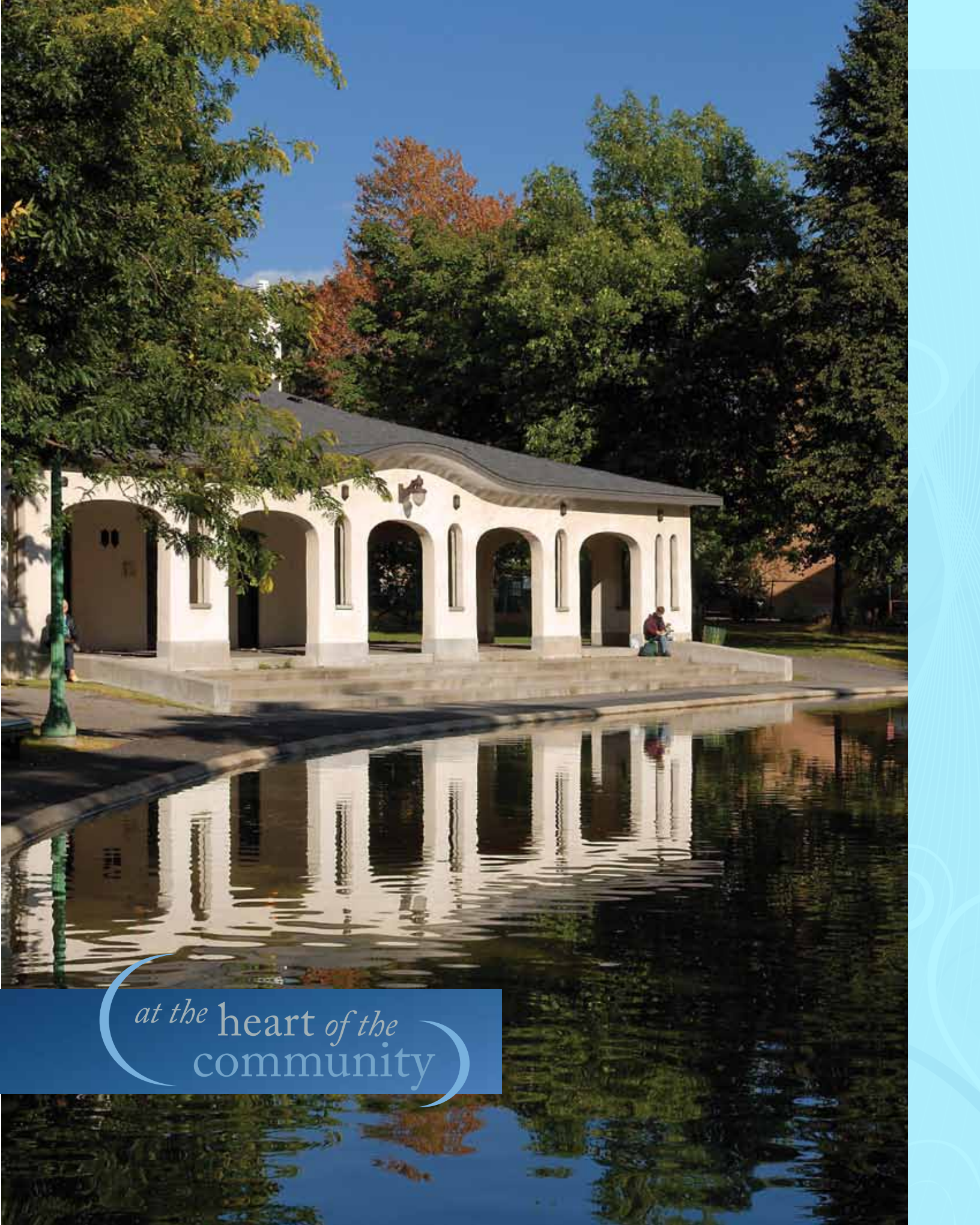
RECOMMENDATION to Arrondissement d'Achatsville to have a private rosebush, installed on the hold of the street, quickly cut down to a maximum height of 3 feet and to take appropriate action for the said rosebush to be, at all times during the coming years, maintained at a maximum height of 3 feet; the whole, for safety reasons. Recommendation accepted.

RECOMMENDATION to Arrondissement de Pierrefonds-Roxboro to quickly put a stop to various activities of a business in violation of its By-Laws and, without limitation, to quickly put an end to the illegal outside storage and displays. Recommendation accepted.

7 RECOMMENDATIONS to the *Division du transport, de la fourrière et de l'entreposage* to reduce the amount to be paid by a citizen to recover his/her furniture stored by the City, following his/her eviction in 2008 OR in order to reasonably extend the delays for the storage of his/her furniture: all of these Recommendations were accepted.

11 RECOMMENDATIONS to different boroughs in order to reduce the amount to be paid by a citizen to recover his/her furniture stored by the borough, following his eviction OR in order to reasonably extend the delays for the storage of his/her furniture: all of these Recommendations were accepted.

All of the other files in which the **OMBUDSMAN DE MONTRÉAL** had noticed a problem, were resolved without the need of a formal **RECOMMENDATION**.



at the heart of the
community



VI The OMBUDSMAN DE MONTRÉAL action plan for 2010

The **OMBUDSMAN DE MONTRÉAL** theme for 2010 will be "**A trustworthy and unbiased spokesperson**".

STRUCTURE AND ORGANIZATION

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

- Treat all citizens and municipal representatives with justice and equity;
- Offer attentive listening;
- Protect the confidentiality of the information gathered during its investigations;
- Be **meticulous** and show **exemplary ethics** in the accomplishment of its work;
- Ensure regular follow-ups in all files;
- Promote **fair balance** between the rights of citizens and municipal responsibilities; and
- Ensure the respect, by municipal employees, representatives and elected officials, of the commitments contained in the *Montréal Charter or Rights and Responsibilities*.

Moreover, the Ombudsman will initiate internal processes aimed at making the City better understand the importance of the Ombudsman's autonomy and independence and at defining the latter more clearly so as to avoid any possibility of interference in her activities and operating methods.

NEW OFFICES

We moved in our new offices and are impatiently waiting for the final approval on some required construction work, in order for us to be able to:

- Have sufficient and adequate offices available for the additional staff we desperately need to hire;
- Keep our office easily accessible to citizens, including people with reduced mobility;

- Offer a safe work environment to all of our employees; and
- Adequately protect the confidential nature of our meetings with citizens or municipal officials.

CONTINUED TRAINING

The spectrum of our activities is very large and the **OMBUDSMAN DE MONTRÉAL** team must pursue its on-going training so as to remain on top of the new developments on various topics; the whole, so as to maintain the quality of its services and the efficiency of its interventions.

PROMOTING THE OMBUDSMAN DE MONTRÉAL

In 2010, the **OMBUDSMAN DE MONTRÉAL** will continue her efforts to make the existence of her office better known and to facilitate the access to her services, namely by:

- Meetings with community groups and representatives from ethnocultural communities;
- Regular contacts with organizations defending people with special needs;
- Participation in events on democracy;
- Quality media coverage; and
- Greater collaboration with Ville de Montréal's *Bureau des affaires interculturelles*.

The **OMBUDSMAN DE MONTRÉAL** will also pursue her internal promotional activities so that more municipal 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 the service and of their relationship with citizens;
- Collaborate even more in her search for solutions, when a problem is identified;
- Understand and keep in mind the commitments of Ville de Montréal contained in the *Montréal Charter of Rights and Responsibilities*; and
- Have a stronger adhesion to these undertakings.

The **OMBUDSMAN DE MONTRÉAL** will intensify her activities related to the new educational projects that have been implemented in 2009, with Montréal's elementary schools and groups in charge of Francization Programs, in Montréal.

She will continue to offer her full collaboration to any other city or organization who wishes to offer an ombudsman service to its citizens or clients.



VII The Montréal Charter of Rights and Responsibilities

A. 2009 Activity Report

The *Montréal Charter of Rights and Responsibilities* came into effect on January 1, 2006. This exceptional document, which would have no comparable, is of particular interest to UNESCO and UN-HABITAT who consider it as a model to be followed by other cities.

The undertakings contained in this *Charter* bind all of Ville de Montréal's managers, employees and elected officials, including those from the boroughs. The only available recourse, to ensure its respect, is a complaint to the **OMBUDSMAN DE MONTRÉAL**.

When a complaint is based on one of the undertakings contained in this *Charter*, the **OMBUDSMAN DE MONTRÉAL**'s interventions are not limited to administrative decisions or actions, she can also intervene over decisions voted by a Borough Council, the Executive Committee or the City Council.

Moreover, the **OMBUDSMAN DE MONTRÉAL** must always, in all files, take into account the undertakings and values stated in this *Charter* and interpret other municipal By-Laws in a manner compatible with its provisions.

MAIN UNDERTAKINGS CONTAINED IN THE *CHARTER*

The undertakings contained in the *Montréal Charter of Rights and Responsibilities* relate to a large variety of subjects including:

- Democracy and public participation;
- Sufficiency and clarity of the information offered to citizens;
- Better representation of citizens within municipal institutions;
- Equality for men and women;
- Inclusion and Non-discrimination;

- Environment and Recycling;
- Sustainable Development;
- Protection of the built patrimony, cultural patrimony and natural patrimony;
- Safety, notably of women;
- Universal Access;
- Adequate access to recreational activities, culture and libraries;
- Evolution of services; and
- Much more.

PROMOTION OF THE *CHARTER*

The existence of the *Montréal Charter of Rights and Responsibilities* and of the undertakings therein remain unrecognized, even within the City: the **OMBUDSMAN DE MONTRÉAL** must therefore continue her efforts in order to palliate this deficiency.

The Ombudsman, therefore, takes every possible opportunity to remind managers, employees and elected officials of their duties and undertakings, in accordance with the said *Charter*.

She also promotes the *Charter* with citizens and community groups, by giving conferences and participating in discussion panels.

B. Charter files handled in 2009

Citizens sometimes invoke the *Montréal Charter of Rights and Responsibilities* in support of the requests they submit to our office.

If, after analysis, we are of the opinion that no commitment of this *Charter* is at stake, we normally still pursue our investigation under our general mandate and according to our usual criteria, namely: the legality, the ethical, the reasonable character, the non arbitrary nature, the justice and the equity of the contested situation.

In 2009, the *Charter* was at stake in **37** of the files that were thoroughly investigated.

Charter files are often more complex and the delay for their treatment can therefore be longer. The average treatment period of such files, in 2009, was of **42.32 working days**.

EXAMPLES OF CHARTER FILES HANLED IN 2009

- Moving of municipal infrastructures: Private construction project – Clarity and sufficiency of the information given to citizens

Some construction or renovation projects undertaken by citizens require the moving of municipal infrastructures such as a driveway access or a drain. The costs related to such work must be paid by the citizens concerned and they can be quite expensive. It is, therefore, important that citizens be well informed, as soon as possible, of the extent of the costs they may have to incur in this regard, in order for them to better plan their budget.

In the course of an investigation we conducted in Arrondissement de Rivière-des-Prairies – Pointe-aux-Trembles, our office noticed that the *Preliminary Bill* given to the citizen, when his *Construction Permit* was issued, did not adequately inform him of the extent of the amounts he could have to take on, regarding the municipal infrastructure work: the *Preliminary Bill* only stated the **minimum cost** of work **related to the driveways**, an amount likely to be substantially lower than the **actual cost** to be taken on.

The **actual cost** of all infrastructure related work was communicated to the citizen only at the end of his project, in a *Final Bill* that had to be paid, before the borough would execute this municipal work: this *Final Bill* often caused a very bad surprise to the citizen. In the file we handled, the difference between the *Preliminary Bill* and the *Final Bill* rose to thousands of dollars.

Following our discussions with the borough, the content of the *Preliminary Bill* was modified. A new section “**Forecast of the actual cost**” was added to this bill. The borough now writes, therein, all the work it plans to do as well as a more realistic estimate of their costs. Moreover, the document gives notice that **unforeseen costs** can occur during the execution of the work and an **approximate estimated surplus amount**, for such contingencies, is also specified, with a note informing the citizen that: “It is still possible that the actual cost be higher than the said surplus amount indicated.”

These modifications address the concerns we had expressed in regards to the sufficiency of information given to citizens, from the very start.

By quickly and systematically making a more accurate estimate of the costs and by providing this information to the applicant requesting a permit in the *Preliminary Bill*, the borough better informs its citizens who as a result, are less likely to have a bad surprise when they receive the *Final Bill*.

- **Universal access to Montréal's City Hall**

Ville de Montréal takes to heart the universal accessibility to its buildings. In spite of all the efforts displayed, nonetheless, the **OMBUDSMAN DE MONTRÉAL** noticed improvements that were required in order to ensure adequate access to the City Hall, for users with reduced mobility.

- **Adequate signs**

Three entrance doors are frequently used by citizens to access City Hall: one on Gosford Street, another, the main one, on Notre-Dame Street and a third, on Place Vauquelin. It is on this last door that a wheelchair access ramp and an automated door opening system are currently installed.

Yet, when a person in a wheelchair came to either of the other two entrance doors that are not wheelchair accessible, they found no indication whatsoever pointing towards the adapted entrance located on Place Vauquelin. At the request of the **OMBUDSMAN DE MONTRÉAL**, signs have been installed in this regard, all around the building.

- **Adapted entrance available at City Hall, regardless of construction work**

We also noticed that the adapted entrance on Place Vauquelin was sometimes blocked for long periods of time, by contractors doing repair work on the building.

The **OMBUDSMAN DE MONTRÉAL** intervened again and she obtained an undertaking that, in spite of construction work that can occur at City Hall, contractors will be required to keep an adapted entrance accessible for wheelchairs at all times and, if the need arises, to install temporary signs informing citizens of the new location of a temporary adapted entrance.

- **Information on the Web**

Before leaving home, citizens with reduced mobility will often search, on the City's Web site, the location of the adapted access for people in wheelchairs: unfortunately, this information was not easy to find.

At our request, this information is now more accessible: it can be found in the Sherlock files posted on the City's Web site and also under the *Simple Access* heading. We also added this information on the **OMBUDSMAN DE MONTRÉAL's** Web site, under the heading *To contact us*.

- **Adapted bathroom for handicapped people – Ground floor of City Hall – Automated door opening system**

Some handicapped persons using the adapted bathroom located on the ground floor of City Hall had complained that this bathroom was difficult for them to use because, namely, of its heavy wooden door. These people often needed to ask for the help of a passerby so as to open the door for them when they enter and exit the bathroom.

Our investigation showed that the City planned to eventually improve accessibility in this bathroom, but only when it would renovate/upgrade the building, in the coming years: the improvement project, however, did not include the installation of an automated door opening system for this bathroom.

This is the only bathroom adapted for handicapped persons at City Hall and, therefore, this long delay, as well as the nature of the changes that were planned, did not seem sufficient to us. The **OMBUDSMAN DE MONTRÉAL**, therefore, ordered and paid with her own operating budget, an automated door opening system which will be installed at the beginning of 2010.



- Bird Frighteners: Noise and Nuisances

In a previous file, citizens had asked our intervention so that three bird frighteners installed in the *Anjou sur le Lac* neighborhood would be removed. They were complaining that they were greatly prejudicial to their quality of life and hoping that Arrondissement d'Anjou would find other solutions to keep starlings away from this area. Citizens were also complaining that the administration had not consulted citizens of the area, before installing such devices.

Following our 2008 interventions, the frequency of use of these frighteners were significantly reduced. The borough had also undertaken to properly analyze the question and to organize a public consultation on the subject, before it would decide to reinstall or not these devices, in 2009. We, therefore, made a follow-up.

Our intervention confirmed that the borough has indeed held a public meeting which many citizens of the area attended: they got the opportunity to explain their position and make their point of view understood. Following this reunion, it was agreed that the frighteners would be reinstalled in 2009, but that the hours of release would be reduced and some devices would be moved further away from residences. The citizens were satisfied.

In all likelihood, the borough will reinstall these bird frighteners in 2010, but not necessarily in the following years. According to experts, the "black bird dormitory" problem should normally be resolved after 3 years of using bird frighteners: the borough will therefore reevaluate the situation, from year to year.

- Protection of trees

Citizens regularly inquire with the **OMBUDSMAN DE MONTRÉAL** to obtain the authorization to cut down a tree from which fruits or leaves and sometimes honeydew fall in abundance, on their property.

We must remind ourselves, however, that in an urban environment, the presence of trees brings many benefits to the entire community. Beyond their aesthetic impact, trees cleanse the air, provide shade during hot summer days, ensure a protection against the climate and serve as shelters and pantries to many small animals. Ville de Montréal, therefore, considers very important to protect the trees, except if they are sick and/or pose a serious risk. Citizens must, therefore, accept the normal inconvenience resulting from the presence of trees, near their residence.

Except in particular circumstances, the **OMBUDSMAN DE MONTRÉAL** generally approves this municipal approach.

As to flies that sometimes infest a tree and secrete a sticky liquid called honeydew, an adequate and ecological treatment, in the spring, can generally solve the problem: there is no need, therefore, to authorize the cutting down of trees, for this sole reason. When the infested tree is a municipal one, our office will ask the concerned borough to add this tree to the list of trees to be treated each spring, so as to control the presence of flies therein.



C. Evolution of previous Charter files

• Sporting activities in a park – Irritants for residents living nearby

In 2008, a citizen had complained about different irritants derived from sporting activities taking place in the Clémentine-de-la-Rousselière Park, near her residence.

Following our interventions, many of the problems submitted were solved. Arrondissement de Rivière-des-Prairies-Pointe-aux-Trembles had also undertaken to make other changes for the 2009 season, namely:

- To install a timer that would automatically turn off the projectors of the baseball field at 11:00 p.m. at the latest, and which could be programmed so as to turn off the projectors earlier, when no games are scheduled; and
- To meet with the people in charge of various ball associations using these fields to ask that they limit the use of speakers during the evening, so as to not irritate the neighbours and to make the players and their fans more aware of the importance of good citizenship and clean behaviours during the games.

We followed up on these undertakings:

- The timer is functional. The baseball field's projectors are manually turned on before games, and they automatically turn off at 11:00 p.m.;
- The borough met with the various associations at the end of the 2008 season and at the beginning of the 2009 one and sensitized them to the importance of better managing the cleanliness of the park, rude behaviour, and the use of speakers;

- The borough also took special interest in the activities taking place in this park and employees made regular rounds during these events.

The citizen was satisfied with the measures taken.

• Computerized parking meters on streets: Alternative mode of payment

Following our 2007 interventions, the *Société en commandite Stationnement de Montréal* (the "SCSDM") had undertaken to improve the access to the new computerized parking meters on streets, for handicapped or short height persons. We had mentioned many improvements already made by the SCSDM, in our 2008 Annual Report.

The SCSDM had also undertaken to evaluate the possibility of implementing a **prepaid card payment** system, as well as a **telephone payment** system, for its computerized parking meters. These systems would allow handicapped or short height persons to pay for their parking without having to move to the paying machine. The payment by prepaid card and/or by telephone were long term projects. We, therefore, followed up on the progress of these projects.

In regards to the **telephone payment**, the system is not yet available but the SCSDM has proceeded to a call for tenders, at the end of 2009: the SCSDM hopes to start implementing the project before the end of 2010.

As for the **prepaid card** payment, a pilot project is underway in Arrondissement de Lachine, since summer 2009. If the tests are conclusive, an extended implementation could come as early as 2010.

We will do new follow-ups in 2010.

- General management of noise complaints

In 2009, we handled **36** requests regarding excessive noise only **16** of which required a more thorough investigation.

Since our muscled interventions of the past few years, we have noticed that many boroughs show more diligence in the handling of noise complaints: noise measurements are generally taken within shorter delays and solutions are identified more rapidly.

- Terrace noise and Quality of life of neighbouring residents – Boris Bistro

For many years, owners living behind this terrace of Old Montréal have been complaining that its activities are seriously prejudicial to their quality of life. The **OMBUDSMAN DE MONTRÉAL** has been following this file for many years. Arrondissement de Ville-Marie continues its efforts in search of a lasting solution, but the collaboration of this business is lacking.

In 2009, in spite of frequent rainy weather, the borough's noise technician went on site many times to measure the intensity of the noise, when weather was nice and the terrace was full. The maximum threshold of noise permitted under the By-Law was often exceeded and *Statements of offence* were issued to the business owner: however, he contested them.

As of today, no efficient solution has been found. We continue our efforts, in collaboration with borough managers, in the hope that a lasting solution will eventually be found so as to ensure a reasonable quality of life for the neighbouring residents while still allowing the reasonable operation of this business.

- Protection of the Natural Patrimony and of the Urban Forest – Park Angrignon Forest

In 2006, the **OMBUDSMAN DE MONTRÉAL** had issued a formal **RECOMMENDATION** aiming at ensuring the long-term survival of the Park Angrignon forest, by favouring its preservation and natural regeneration.

The *Service du développement culturel, de la qualité du milieu de vie et de la diversité ethnoculturelle* and Arrondissement Le Sud-Ouest had accepted our **RECOMMENDATION** without reserve and undertaken to only authorize necessary **manual** activities for the removal of garbage and the eradication of buckthorn, in this forest. Arrondissement de LaSalle, however, had refused to conform to it.

However, since it is this Central Department and Arrondissement Le Sud-Ouest which are responsible for the maintenance work in this forest, the refusal of Arrondissement de LaSalle was not a real problem.

Like every year since their commitment, we have followed up in 2009, with the Central Department concerned and Arrondissement Le Sud-Ouest, both of whom reiterated their commitment to respect our **RECOMMENDATION**.

A photograph of a winter landscape. The ground is covered in a thick layer of snow, with footprints and tracks visible. Several bare trees, including birches with white bark, stand in the foreground and middle ground. In the background, a body of water is visible under a clear blue sky. A dark blue banner with white text is overlaid in the bottom right corner.

promoting
respect

D. 2009 Statistics Tables
Charter files

Table 24

Requests falling under the Montréal Charter of Rights and Responsibilities

SUBJECT	SUB-CATEGORY	NUMBER
Democracy	Communications	3
	Decision of a Borough Council	1
	Public participation	2
	Zoning / Urban Planning / Exemption	1
	SUB-TOTAL	7
Economic and Social Life	Social Housing / HLM / Housing subsidies	1
	SUB-TOTAL	1
Environment and Sustainable Development	Noise	8
	Nuisance	6
	Parks and green spaces	1
	Traffic	2
	Tree	4
	SUB-TOTAL	21
Municipal Services	Handicapped person	2
	Universal access	2
	SUB-TOTAL	4
Security	Handicapped person	1
	Parking / SRRR / Vignettes	1
	Traffic	1
	Tree	1
	SUB-TOTAL	4
GRAND TOTAL		37

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	7	0	0	0	0	0	4	2	0	0	0	1
Economic and Social Life	1	0	0	0	0	0	1	0	0	0	0	0
Environment and Sustainable Development	21	0	0	0	1	1	4	5	0	5	4	1
Municipal Services	4	0	0	0	0	0	0	1	0	2	0	1
Security	4	0	0	0	0	0	3	0	1	0	0	0
GRAND TOTAL	37	0	0	0	1	1	12	8	1	7	4	3

Table 26

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

BOROUGH	SUBJECT / SUB-CATEGORY	NUMBER
Ahuntsic-Cartierville (Administration)	Democracy	
	Communications	1
	Environment and Sustainable Development	
	Noise	1
	Tree	3
	Security	
	Tree	1
	TOTAL	6
Anjou (Administration)	Environment and Sustainable Development	
	Noise	1
	Nuisance	1
	Traffic	1
	TOTAL	3
Côte-des-Neiges – Notre-Dame-de-Grâce (Administration)	Environment and Sustainable Development	
	Tree	1
	TOTAL	1
LaSalle (Administration)	Security	
	Parking / SRRR / Vignettes	1
LaSalle (Borough Council)	Democracy	
	Public participation	1
	TOTAL	2

Table 26 (continued)

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

BOROUGH	SUBJECT / SUB-CATEGORY	NUMBER
Le Plateau-Mont-Royal (Administration)	Environment and Sustainable Development	
	Noise	1
	Nuisance	1
	Security	
	Handicapped person	1
Le Plateau-Mont-Royal (Borough Council)	Democracy	
	Decision of a Borough Council	1
TOTAL		4
Le Sud-Ouest (Administration)	Environment and Sustainable Development	
	Noise	1
	Parks and green spaces	1
	Traffic	1
	TOTAL	3
Mercier – Hochelaga-Maisonneuve (Administration)	Municipal services	
	Handicapped person	1
	Security	
	Traffic	1
	TOTAL	2
Rivière-des-Prairies – Pointe-aux-Trembles (Administration)	Democracy	
	Communications	1
	Environment and Sustainable Development	
	Noise	1
	Nuisance	1
TOTAL		3

Table 26 (continued)

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

BOROUGH	SUBJECT / SUB-CATEGORY	NUMBER
Rosemont – La Petite-Patrie (Administration)	Environment and Sustainable Development	
	Nuisance	1
	TOTAL	1
Verdun (Administration)	Environment and Sustainable Development	
	Nuisance	1
	Democracy	
Verdun (Borough Council)	Zoning / Urban planning / Exemption	1
	TOTAL	2
Ville-Marie (Administration)	Environment and Sustainable Development	
	Noise	3
	TOTAL	3
Villeray – Saint-Michel – Parc-Extension (Administration)	Environment and Sustainable Development	
	Nuisance	1
	Municipal services	
	Handicapped person	1
Villeray – Saint-Michel – Parc-Extension (Borough Council)	Democracy	
	Public participation	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
Infrastructures, transport et environnement (Direction de l'environnement et du développement durable)	Democracy	
	Communications	1
	TOTAL	1
Police (Direction du Service de police)	Environment and Sustainable Development	
	Nuisance	1
	TOTAL	1
PARA-MUNICIPAL AGENCIES, CITY-CONTROLLED CORPORATIONS OR OTHER ORGANIZATIONS		
Office municipal d'habitation de Montréal (OMHM)	Economic and Social Life	
	Social housing / HLM / Housing subsidies	1
	TOTAL	1
POLITICAL ENTITY		
Office of City Council Chairman	Municipal services	
	Universal access	2
	TOTAL	2

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)	6	0	0	0	0	0	1	2	1	1	0	1
Anjou (Administration)	3	0	0	0	0	0	0	1	0	1	1	0
Côte-des-Neiges – Notre-Dame-de-Grâce (Administration)	1	0	0	0	0	0	0	0	0	1	0	0
LaSalle (Administration)	1	0	0	0	0	0	1	0	0	0	0	0
LaSalle (Borough Council)	1	0	0	0	0	0	1	0	0	0	0	0
Le Plateau-Mont-Royal (Administration)	3	0	0	0	0	1	1	0	0	0	1	0
Le Plateau-Mont-Royal (Borough Council)	1	0	0	0	0	0	1	0	0	0	0	0
Le Sud-Ouest (Administration)	3	0	0	0	1	0	1	0	0	0	1	0
Mercier – Hochelaga-Maisonneuve (Administration)	2	0	0	0	0	0	1	0	0	0	0	1
Rivière-des-Prairies – Pointe-aux-Trembles (Administration)	3	0	0	0	0	0	0	1	0	1	1	0
Rosemont – La Petite-Patrie (Administration)	1	0	0	0	0	0	0	1	0	0	0	0
Verdun (Administration)	1	0	0	0	0	0	1	0	0	0	0	0
Verdun (Borough Council)	1	0	0	0	0	0	1	0	0	0	0	0
Ville-Marie (Administration)	3	0	0	0	0	0	0	1	0	1	0	1

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
Villeray – Saint-Michel – Parc-Extension (Administration)	2	0	0	0	0	0	1	1	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
Infrastructures, transport et environnement (Direction de l'env. et du développement durable)	1	0	0	0	0	0	0	1	0	0	0	0
Police (Direction du service de police)	1	0	0	0	0	0	0	1	0	0	0	0
Office municipal d'habitation de Montréal (OMHM)	1	0	0	0	0	0	1	0	0	0	0	0
Office of City Council Chairman	2	0	0	0	0	0	0	0	0	2	0	0

Table 28

Final response or settlement period

"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, 2010	TOTAL	Average delay in working days
2007	2	0	1	5	9	3	4	17	0	41	108.56 DAYS
%	4.88	0	2.44	12.2	21.25	7.32	9.76	41.46	0	100%	
2008	1	1	1	5	15	5	7	6	0	41	55.98 DAYS
%	2.44	2.44	2.44	12.2	36.59	12.2	17.07	14.63	0	100%	
2009	2	0	0	8	8	7	5	4	3	37	42.32 DAYS
%	5.41	0	0	21.62	21.62	18.92	13.51	10.81	8.11	100%	

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, 2010	TOTAL	Average delay in working days
2007	1	0	1	5	9	3	4	17	0	40	111.25 DAYS
%	2.5	0	2.5	12.5	22.5	7.5	10	42.5	0	100%	
2008	1	0	1	5	15	5	7	6	0	40	57.3 DAYS
%	2.5	0	2.5	12.5	37.5	12.5	17.5	15	0	100%	
2009	2	0	0	8	8	7	5	4	3	37	42.32 DAYS
%	5.41	0	0	21.62	21.62	18.92	13.51	10.81	8.11	100%	

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. 2010 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 evolve constantly so as to better meet the needs of its citizens. Through her interventions, the **OMBUDSMAN DE MONTRÉAL** contributes to making Montréal achieve its goal of always being a better place for all people.

Making the existence of this *Charter* better known, not only within Ville de Montréal but also with the general public, remains a great challenge and the **OMBUDSMAN DE MONTRÉAL** will continue to deploy much effort in this regard.

In 2010, she will pursue her sensitizing activities with municipal managers and elected officials, in regards to the values and undertakings contained in this *Charter*.

Moreover, a **public consultation** must be organized by Ville de Montréal in 2010, to assess the first years of existence of the *Montréal Charter of Rights and Responsibilities* and evaluate its impact, its content and, if need be, the improvements that it would be advisable to make thereto.

The **OMBUDSMAN DE MONTRÉAL** plans to actively participate in this process.

F. Conclusion – *Charter*

The *Montréal Charter of Rights and Responsibilities* continues to require changes in the ways and processes of many municipal departments and managers.

The Ombudsman takes every opportunity to remind of the importance for them to “**think of this Charter**” **before** adopting a new policy, granting a special permit, voting on a decision or granting any exemption request, if the subject matter relates to a commitment that is found in this *Charter*. The procedures for handling and analyzing such files, as well as the decision making process relating thereto, must take this reality into account.

The Ombudsman will continue to intervene and when the need arises, she will formally invite City representatives to review their decisions.

As for Civil Society, its unquestionable interest for this *Charter* remains great.

The **free** recourse to the **OMBUDSMAN DE MONTRÉAL**’s service that is offered to citizens, to have the undertakings contained in the *Charter* respected, enables them to provoke change and make things evolve within Ville de Montréal.



*a trustworthy and
unbiased spokesperson*



VIII GENERAL CONCLUSION

As so many other Ombudsmans have done, since the creation of the first legislative Ombudsman position in 1709, the intervention of the **OMBUDSMAN DE MONTRÉAL** brings about positive changes in all aspects of the administration, within Ville de Montréal.

This **free, simple and efficient** recourse allows the quick identification of problems that can occur in the management of Ville de Montréal affairs, and mostly, their resolution.

Most municipal representatives have grown to better understand the objective of our interventions which is to help them better accomplish their mandate which is to provide the best services possible to all citizens.

We largely contribute to **participative democracy**, by allowing citizens to express their point of view and by offering them a neutral and apolitical analysis of the situations they believe to be unjust.

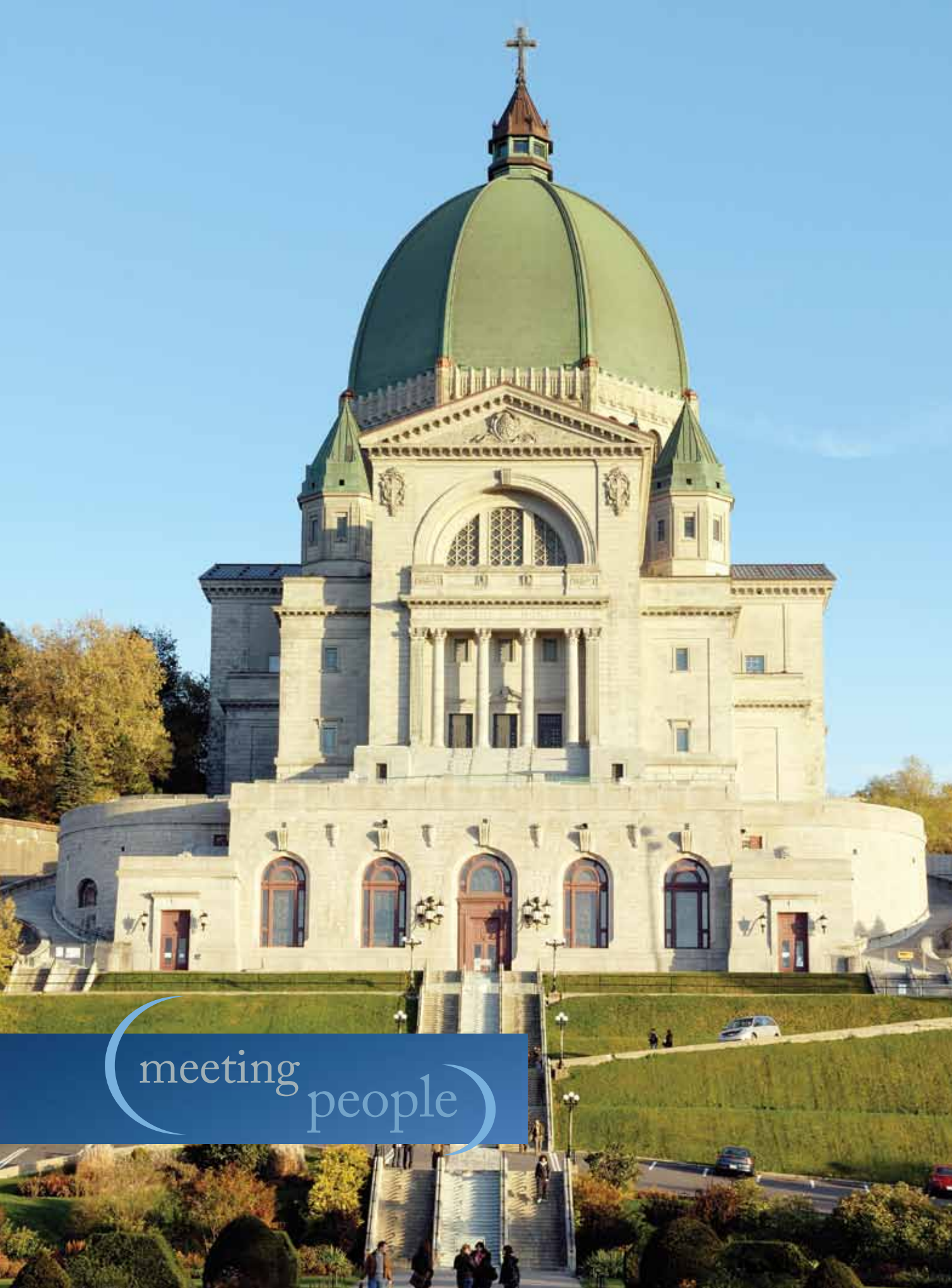
We sensitize municipal representatives and citizens to the importance of **mutual respect**, and we promote **ethical and irreproachable behaviour**. These values in all aspects of the administration go to the credibility of the organization and trust of citizens.

The services we offer are of high quality.

Attentive listening and **Empathy** remain the keys to our success. We take the time to understand everyone's point of view and we analyze all of the fact without bias, with rigor and diligence and with a concern for justice and equity.

Our **independence**, our **autonomy** and the fact that we are completely **non-political** reassures citizens and inspires their trust. The Ombudsman will pursue her efforts in order for no blow to be brought by anyone, to the independence and the autonomy of her office: indeed, these attributes are essential to the credibility of her actions.

The **OMBUDSMAN DE MONTRÉAL** and her team offer an exceptional and credible service that citizens could no longer go without. We are very proud of this.



meeting
people

ADDENDUM – GLOSSARY

To better understand the subject of requests

ACCESS TO INFORMATION

Requests relating to *Right of access* legislation and information requests.

ACQUIRED RIGHTS

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

ALLEY

Requests regarding the traffic or safety in alleys; 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, 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 they are 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 drains; 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; to the Ville de Montréal Web site; to *Accès Montréal* services.

CONDUCT OF AN EMPLOYEE

Complaints against people in the execution of his/her functions.

CONFLICT OF INTERESTS

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

CYCLING PATH

Requests regarding the implementation or the maintenance of cycling paths.

DRIVEWAY ENTRANCE

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

ENVIRONMENT/SUSTAINABLE DEVELOPMENT

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

EVALUATION/REAL ESTATE TAX

Requests regarding land evaluation and tax invoices; motions for review; late payments; requests for refunds; agreements; etc.

FENCE

Requests relating to the By-Laws concerning fences and hedges.

FIRE/PUBLIC SAFETY

Requests relating to inspections of the *Service de sécurité incendie de Montréal*; requests relating to emergency exits in a building; to 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 charters 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; automobile motors during the night; loud businesses or 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 issuance of parking permits; to parking restrictions on streets; to the rates and functioning of parking meters; to *Stationnement de Montréal* parking lots.

PARKS AND GREEN SPACES

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

PERMIT

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

POUND (OTHER)

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

POUND (STORAGE OF FURNITURE)

Requests from evicted tenants, whose furniture has been taken over by the City, 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 salubrity of dwellings and businesses.

PUBLIC PARTICIPATION

Requests regarding the public consultation process; the referendum process; the public's question periods during the different councils' 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; to the scheduled times of snow removal; to problems that occurred during snow removal operations.

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 that were not awarded; tenders that are too restrictive; 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 public 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.



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