



HERE  
FOR YOU  
FOR  
TWENTY  
YEARS 2023

Annual  
Report





**Ombudsman de Montréal**

Fairness and goodwill

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ISIT LA POU OU  
 здесь для вас  
 এখানে তোমার  
 כאן בשבילך  
 در اینجا برای شما  
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AKWAHSIÉ:NEN'  
 Nitihataanaan uuth che  
 uhchi wiichihiitaah

# Message from the Ombudsman

## The Ombudsman de Montréal: loving Montréal for two decades!

Twenty years ago, at the Sommet de Montréal, residents called upon the City to provide them with a recourse in situations where they are dissatisfied; when their City fails to live up to its public-service pledges.

As a result, since 2003, a team of impassioned, devoted people has worked to review all complaints received, objectively, impartially and fairly to correct mistakes, improve practices, rectify situations, clarify the facts when the City is in the right, restore citizens' sense of justice, and chart new paths forward.

Because restoring citizens' confidence in their City and reaffirming their sense that they can approach the municipal administration when an issue arises is fundamental and our highest priority.

And it is precisely to enable us to fulfil this mission, in spite of the criticism that emerges from some of our inquiries, that the City has made a point, over the past 20 years, of respecting our independence and never interfering in our work. As a result, Montrealers can rest assured that, while our office maintains rigorous and continuous accountability for its operations, its decisions are made with all the neutrality required of a review process that is free of any and all influence from the municipal administration or elected officials.

The Ombudsman's credibility has been well established for many years. The first holder of this office, Ms. Johanne Savard, spared no effort during its first 17 years to make it a leader in this area in Canada and around the world. Because our team, with its uncompromising rigour, manifest compassion and remarkable objectivity, strives to promote best practices in alternative dispute resolution, but also to step outside its comfort zone,

embracing issues affecting today's society, so as to do meaningful work for the common good.

In that regard, our inquiry into the issue of unhoused Indigenous people in the Milton-Parc district is a prime example of cases in which our recommendations constituted a leap of faith on the part of the complainants, much to their credit. And in that unusually complex situation, where on numerous occasions it would have been all too easy to give up, given the magnitude of the crisis, and where the citizens concerned had yet to see any improvement, a ray of hope began to shine in late 2023, with major projects led or undertaken by the City of Montréal, which, at our behest, made the decision not to look the other way.

We also conducted an extensive inquiry into snow removal at pick-up/drop-off areas and sidewalk corners designed for persons with reduced mobility. Groups advocating for the rights of these citizens alerted us to the isolation routinely caused by poor snow clearance at some of these locations. We investigated and, once again, asked the City to revisit its practices so as to remedy the situation. And it did exactly that, rethinking snow removal in these areas.

And in another case the Ombudsman de Montréal achieved significant gains for Montreal residents. In a file related to changes in lead water pipes, the Ombudsman has made the difference for Montréal residents: we secured a \$60 000 refund for affected citizens.

In these ways and others, the Ombudsman de Montréal has for the past 20 years helped enhance the quality of services provided to Montrealers. And there's only one recipe for that success: to love Montréal.



# L'Ombudsman de Montréal

“ You are the only competent person since COVID-19 who has taken the time to listen to me and help me. If my children have a daughter, I will tell them to name her after you so that she can have your kindness.”

A. H. F.



## About Ms. Nadine Mailloux

Throughout her career, Ms. Mailloux has steadfastly embraced a philosophy of co-operation, with a goodwill approach that offers an alternative to plaintiffs who consider themselves aggrieved. Transparency, fair decision-making, respect, authenticity and openness are integral to her solution-seeking process and are undoubtedly the reasons for her success over the years in resolving the cases brought before her office.

Ms. Nadine Mailloux graduated from the Université de Montréal Faculty of Law and was admitted to the Québec Bar in 1999. She is accredited as a mediator by both the Québec Bar and the Institut de médiation et d'arbitrage du Québec, and is a member of the Arbitration and Mediation Institute of Canada.

Ms. Mailloux is President of the Forum of Canadian Ombudsman (FCO). She draws on the best practices and experiences of ombudsman who are recognized throughout Canada for their expertise. She also sits on the Comité des adhésions de l'Association des ombudsmans et médiateurs de la francophonie (AOMF).

Ms. Mailloux co-directs the Advanced Issues in Ombuds Practice certificate program at York University's Osgoode Hall Law School in Toronto. The program is administered by renowned Canadian and international ombudsman and is aimed at experienced ombudsman. Over the years, she has facilitated many training sessions devoted to ombudsman best practices. She is also involved in organizing and teaching the *Ombudsman : notions essentielles et meilleures pratiques* program offered in collaboration by the FCO and Université de Sherbrooke Law School.

She is one of the three North American elected representatives on the board of directors of the International Ombudsman Institute (IOI), and sits on the IOI's committee for relations with the United Nations.

Ms. Mailloux has been an ombudsman for nearly 25 years. For the majority of her career, she has focused on alternative methods of conflict resolution. She began as a second-appeal ombudsman at the Régie régionale de la santé et des services sociaux de Montréal-Centre, then serving in that capacity at a major university teaching hospital and subsequently at a university health and social services centre. She was named Ombudsman de la Ville de Laval by the Commission municipale du Québec in 2013, founding that office and lending her expertise to the city's citizens until she was appointed Ombudsman de Montréal in August 2020.

For several years, Ms. Mailloux co-ordinated a pro bono legal aid clinic for disadvantaged communities. She is also pro bono ombudsman with The Lighthouse Children and Families, a non-profit organization that offers respite care and support for families of children with illnesses requiring complex care.



HERE  
FOR YOU  
FOR  
TWENTY  
YEARS

## Our team

From left to right



**Rose-Michelle Durand**

Technicienne en recherche et enquête

**Josée Ringuette**

Conseillère juridique à l'ombudsman

**Sandra Bricotte**

Adjointe de direction

**Henrico Jean-Charles**

Technicien en recherche et enquête

**Wilson Tantacuré Collazos**

Technicien en recherche et enquête

**Laurence Delage**

Conseillère à l'ombudsman

**Eliane Fournier-Pleau**

Adjointe de direction sénior

**Mireille Tardif**

Conseillère à l'ombudsman

**Brigitte Ducas**

Conseillère juridique à l'ombudsman

**Fabienne Léonard**

Conseillère à l'ombudsman

**Anouk Violette**

Conseillère à l'ombudsman







2 2 2 3

Files processed

## Our year 2023 at a glance

The OdM launched

**215** inquiries,

including **47** on its initiative

The OdM made

**4** recommendations,

**3** of which were adopted by Montréal

and **1** of which was rejected by the Borough of Pierrefonds-Roxboro

See p. 73

## Our most common topics of complaints in 2023:

|   |     |
|---|-----|
| Public works  | 245 |
| City services: communications, behaviour, procedures and timeframes | 173 |
| Nuisances   | 138 |
| Claims for material damage or bodily injury                         | 114 |
| Transformation, construction and demolition permits                 | 89  |
| Buildings: maintenance and salubrity                                | 79  |
| Trees, community gardens and parks                                  | 74  |
| Fences, hedges, driveway entrances and others                       | 64  |
| Statements of offence   | 59  |
| Parking and pick-up/drop-off areas                                  | 47  |
| Bicycle paths and lanes   | 44  |
| Labour relations  | 34  |
| Police discretion   | 32  |
| Taxes   | 31  |
| Unhoused people and social coexistence                              | 26  |

“ Thanks to your multiple interventions, several co-owners will now be able to enjoy their balconies. ”

M. L.





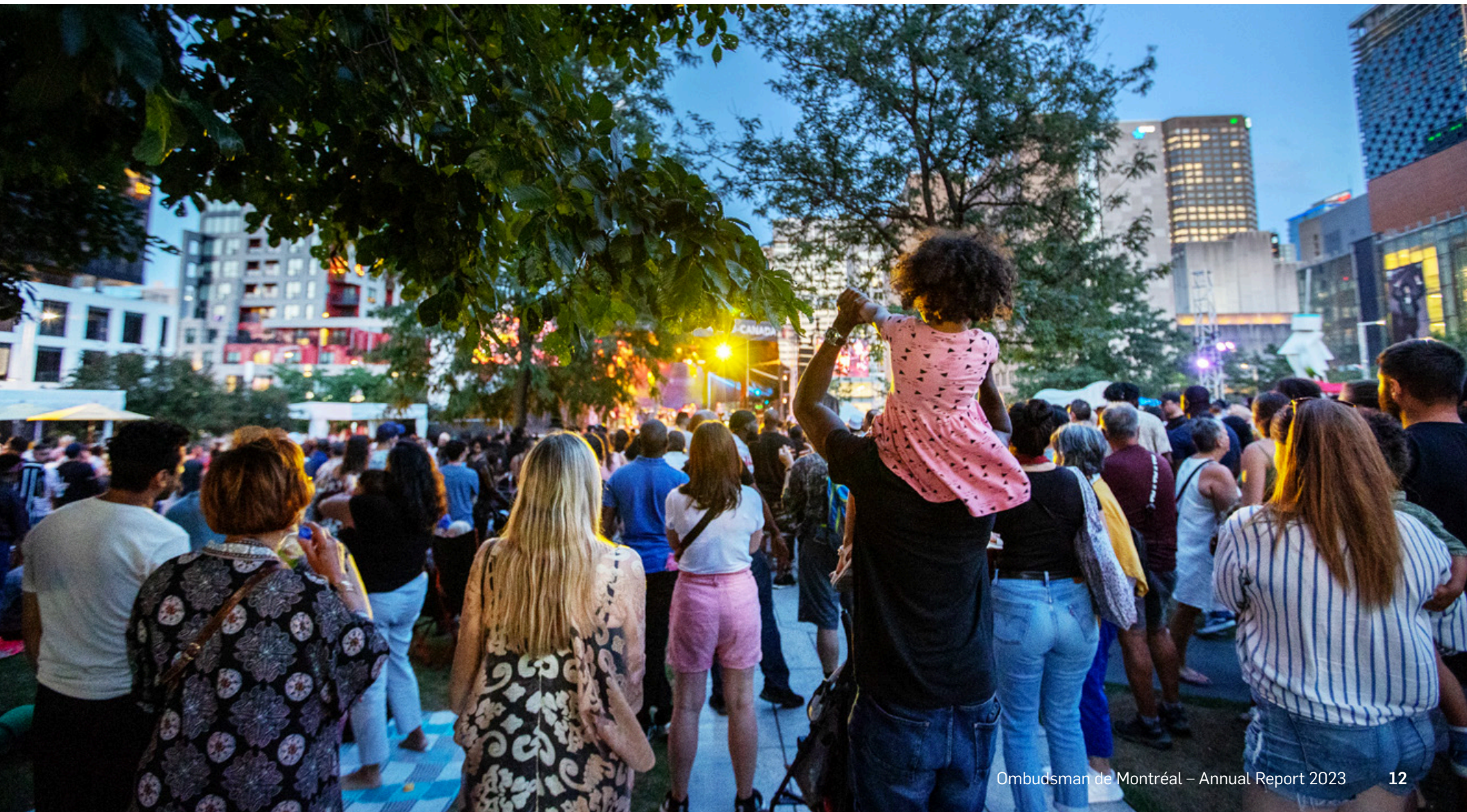
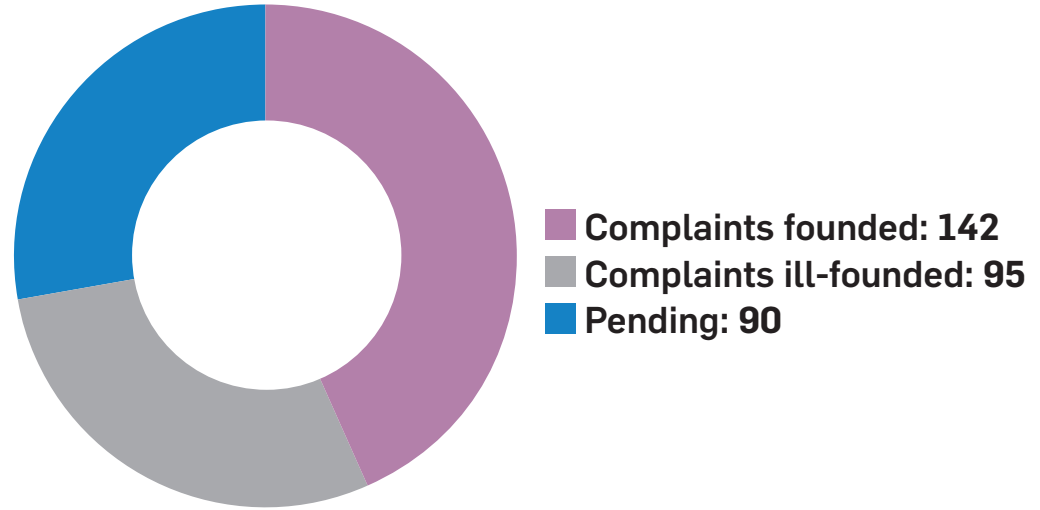
## In 2023, we inquired about:

|   |    |  |   |
|---|----|--|---|
| Nuisances   | 45 | Claims for material damage or bodily injury            | 4 |
| Public works  | 25 | Alleyways  | 4 |
| Transformation, construction and demolition permits                 | 18 | Subsidies  | 4 |
| Fences, hedges, driveway entrances and others                       | 17 | Municipal court: fees, collection and decisions        | 3 |
| Bicycle paths and lanes   | 16 | Human rights   | 2 |
| Unhoused people and social coexistence                              | 15 | Access to social/affordable housing                    | 2 |
| Safety  | 11 | Citizen participation                                  | 2 |
| Trees, community gardens and parks                                  | 10 | Taxes  | 2 |
| City services: communications, behaviour, procedures and timeframes | 9  | Access to information                                  | 1 |
| Buildings: maintenance and salubrity                                | 7  | Libraries  | 1 |
| Parking and pick-up/drop-off areas                                  | 6  | Statements of offence                                  | 1 |
| Universal accessibility   | 4  | Environment and sustainable development                | 1 |
| Public property: occupancy and commercial activities                | 4  | Tenant/landlord relations (linked to City of Montréal) | 1 |

“ Thank you so much for your excellent work. ”

M. L.

## The results of our inquiries in 2023:



## What can the Ombudsman de Montréal do?

### We process complaints

as a last resort by citizens towards

- the administration of a Ville de Montréal borough or service;
- a paramunicipal agency or a City-controlled corporation (e.g.: the Office municipal d'habitation de Montréal, the Société d'habitation et de développement de Montréal, the Commission des services électriques de Montréal, etc.);
- any person or entity that performs work for the City (e.g.: a contractor tasked with collecting municipal waste).

### We can inquire

when a person believes that a decision, a recommendation, an action or an omission by Ville de Montréal:

- caused her/him a wrong or a prejudice;
- did not respect her/his rights;
- led to an abuse, an injustice or negligence.

### We intervene at our initiative

in order to identify and resolve problematic situations, often systemic, in City operations.

### We inform citizens

about their municipal rights in clear language and by various means: contacting community groups, giving training sessions, meeting the population and borough staff members, as well as through our publications on social media, etc.

### We raise awareness of municipal decision-makers

regarding certain municipal issues and, when relevant, we contribute to their reflections.

### We share our acquired experience

with City managers as well as with other ombudsmans and organizations.



“Several elements have been clarified and I am satisfied with the way things are progressing. I am hopeful that this permit application will be completed in compliance with the requirements of the borough.”

D. D.

## Essential characteristics of the Ombudsman de Montréal

We thank the Ville de Montréal for always having scrupulously respected the OdM's essential characteristics.

**Independence and autonomy** – The OdM is not subordinated to the direction générale nor to elected officials. It is not bound by the usual policies or practices of the City.

**Accessibility** – Having recourse to the OdM is free. The procedure to file a complaint is easy and simple.

**Impartiality** – The OdM has no bias, either toward the plaintiffs or the City.

**Confidentiality** – The identity and information gathered from plaintiffs or the City are disclosed only to the extent that they are required to process the file. The *Loi sur les cités et villes* states that the OdM cannot be compelled to appear before the courts and that its files are not bound by access-to-information laws.

**Accountability** – The OdM must file a Annual Report of its activities. This report is public.

**Power of recommendation** – The OdM does not have the power to impose its conclusions. Its approach is one of cooperation and persuasion.

## Values of the Ombudsman de Montréal

Certain values colour all our actions and interventions. We promote them constantly:

**Respect** – This must be mutual and non-negotiable.

**Empathy** – We systematically try to understand what our interlocutors feel so as to adapt our approach accordingly.

**Transparency** – Applicable procedures and regulations must be clear. We explain the extent and limits of our powers.

**Impartiality** – We approach every file without preconceived notions.

**Rigor** – Before forming an opinion on a file, we carefully review all relevant documents, we go on site if necessary, we analyze the relevant regulations and case law, and we discuss with all involved stakeholders.

**Fairness** – The rules must be just and applied fairly to all.

**Integrity** – It is important to act with honesty and probity. Any risk of a conflict of interest, real or perceived, must be avoided and reported.



“ I am writing to inform you that the work started this morning. This is a first step in 8 years. I am convinced that your efforts have greatly contributed to this. Thank you a thousand times. ”

M. L.

## Where fairness fits in in all this

The quest for fairness is a fundamental constant in the ombudsman's work.

### Acting with fairness means:

treating you with consideration and respect;

giving you a reasonable chance to present your point of view;

applying the rules relevant to your situation, in a reasonable way and without discrimination.

In every file we review, we verify that the decision-making process surrounding the administrative decision that concerns you is fair.

It is important not to confuse fairness with equality of treatment, as fairness sometimes requires an approach to be adjusted to the specific circumstances of a file.

### The OdM team:

Identifies the relevant legal framework;

Assesses whether the three complementary dimensions of fairness have been respected:

- procedural fairness,
- relational fairness,
- fairness of the decision.

If one of these components is missing, the entire process can be compromised, which can create a feeling of injustice for the person concerned: confidence in the whole system is undermined as a result.

### Concretely, this means that the OdM team ensures that:

**Procedural fairness** – your complaint has been heard by an impartial decision-maker before a decision is rendered. The duty to observe procedural fairness imposes certain guarantees (e.g.: prior notice, opportunity to state one's point of view, motivated decision, etc.);

**Relational fairness** – the Administration heard your request and proved to be reasonably accessible, transparent and receptive;

**Fairness of the decision** – the decision taken is reasonable and just.



“ Moreover, we also appreciate the clarity of the report, as it demonstrates the writers' clear understanding of the facts. As well, the clarity with which the report has been compiled and written is commendable. ”

L. G.

## We ensure compliance with the *Montréal Charter of Rights and Responsibilities*

The *Montréal Charter of Rights and Responsibilities*, in force since 2006, sets out City principles, values and commitments that all staff members and elected officials are required to respect.

The Charter recognizes citizens' rights, but also lists their responsibilities, such as helping to keep the city clean, participating in democratic processes, preserving the environment, etc.

Citizens' rights and responsibilities, as well as the City of Montréal's commitments, are divided into seven main topics encompassing various aspects of municipal activities:

**Democracy** (e.g., citizen participation);

**Economic and social life** (e.g., access to water, facilitating access to temporary, safe shelter and places to sleep for unhoused persons);

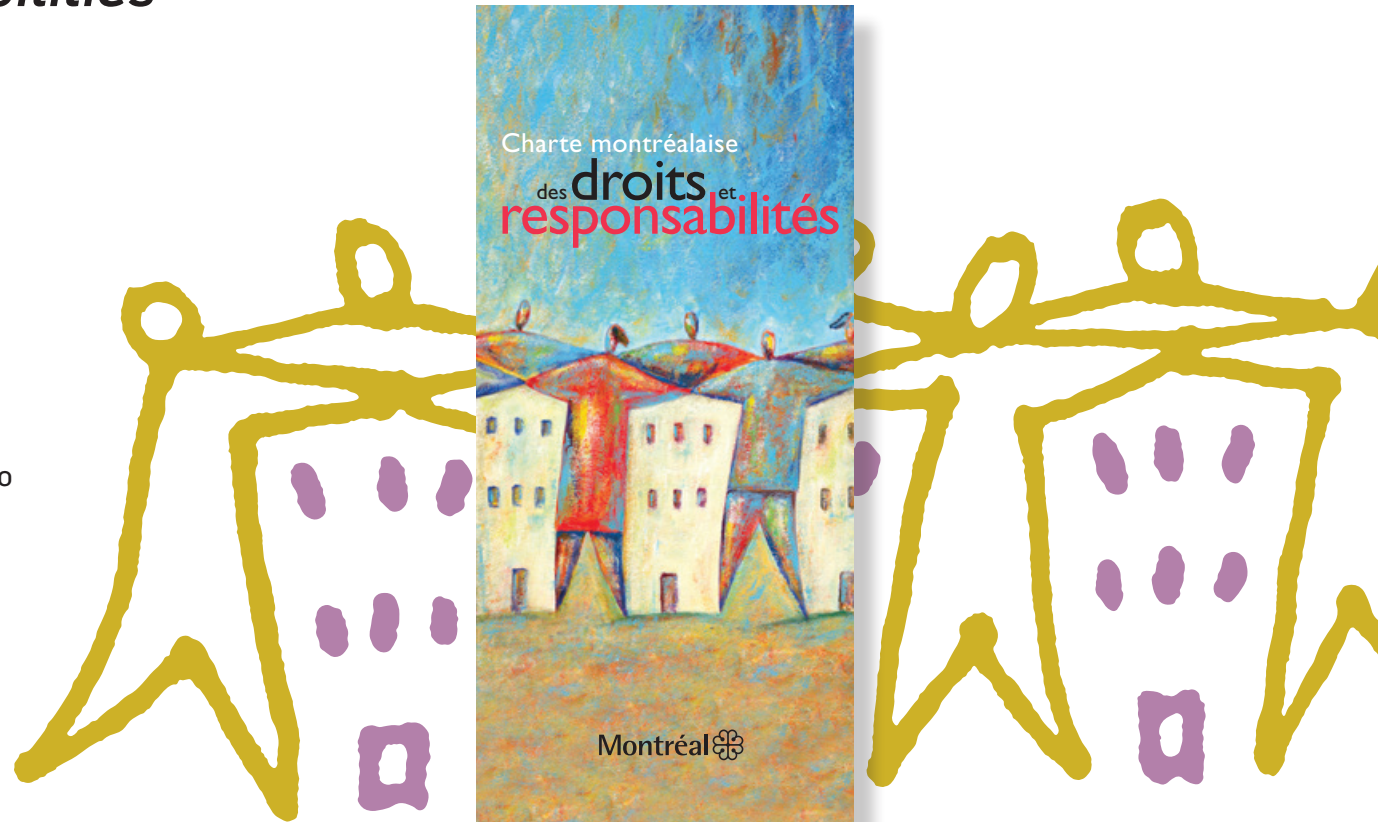
**Cultural life** (e.g., access to places of art and culture);

**Leisure, physical and sports activities** (e.g., building, renovating and improving parks, based on neighbourhood needs);

**Environment and sustainable development** (e.g., recycling and waste recovery);

**Security** (e.g., developing City lands in a safe manner);

**Municipal services** (e.g., providing quality services to people in a respectful and non-discriminatory manner).



The OdM ensures that the rights, responsibilities and commitments set out in the Charter are respected. In that regard, we are the **only possible recourse**, as citizens cannot use the courts to ensure such respect.

When a Charter commitment is called into question, the OdM has broader powers. We may intervene not only with the City's administration, but also on decisions voted on by its Executive Committee, municipal council or a borough council. This is an exception to the general rule whereby the OdM has no jurisdiction over these entities.

Moreover, when an inquiry concerns more than one commitment contained in the Charter, the OdM makes sure to find the proper balance between them. For instance, in the inquiry regarding urban redesigns in the summer of 2020, the OdM team had to weigh the commitment to promote collective and active modes of transportation against the commitment to ensure the safety of all Montrealers. Thus it is not a question of prioritizing, but of balancing our interventions.





**Charte montréalaise**  
des droits et responsabilité

**29** inquiries pertaining to the *Montréal Charter of Rights and Responsibilities* were conducted in 2023.

To consult some summaries of files involving the *Montréal Charter of Rights and Responsibilities*, see the “Profile of complaints, requests for information and inquiries by entity” section on p. 24

**59** principles, commitments and responsibilities were examined in our inquiries; details are as follows:



“ I take this opportunity to thank and congratulate you for all the work done since 2019 on this extremely complex matter! ”

D. M.

**Democracy**

**8** principles, commitments and responsibilities

Fighting all forms of discrimination, including racial and social profiling, as well as other discriminatory profiling, poverty, social exclusion, sexism, racism, ageism, ableism, homophobia and lesbophobia, transphobia and xenophobia, which may be direct, indirect, systemic and intersectional in nature, and result in an erosion of the foundations of a free, fair and democratic society.

8

**Economic and social life**

**17** principles, commitments and responsibilities

Maintaining, with the support of government partners, assistance measures for vulnerable persons that foster their access to appropriate and affordable housing.

4

Taking appropriate measures, with the support of partners, to provide homeless persons with temporary and secure shelter, as quickly as possible, should such persons have expressed the need.

9

Taking appropriate measures, with the support of partners, to prevent and fight poverty and social exclusion.

3

Providing its citizens with access to quality drinking water in sufficient quantities.

1



**Charte montréalaise**  
des droits et responsabilité:

**Cultural life**

**4 principles, commitments and responsibilities**

Supporting the development and diversity of cultural practices.

**4**

**Environment and sustainable development**

**2 principles, commitments and responsibilities**

Reconciling environmental and built heritage protection with cultural, social and economic development.

**1**

Fostering the protection and enhancement of natural environments and the urban forest.

**1**

**Safety and security**

**12 principles, commitments and responsibilities**

Developing its territory in a safe manner.

**2**

Taking measures to ensure citizen safety and security in public spaces, notably in parks and community and recreational facilities.

**3**

Supporting preventive measures aimed at increasing citizen awareness and involvement with respect to this issue, in partnership with public security and civic protection officials.

**2**

Protecting people and their property.

**3**

Supporting specific measures aimed at security for women, with the support of community partners.

**2**

“It's reassuring to know that there's an organization whose mission is to rise above the fray and does so successfully.”

M. E. H.





**Charte montréalaise**  
des droits et responsabilité.

**Municipal services**

**16** principles, commitments and responsibilities

|  |   |
|--|---|
| Providing competent municipal services in a respectful and non-discriminatory manner.  | 2 |
| Taking measures to limit any nuisances or obstacles that may interfere with citizens' ability to safely access their homes.                                  | 1 |
| Taking measures to limit any nuisances or obstacles that may interfere with citizens' ability to safely access the network of pedestrian walkways.           | 1 |
| Promoting universal access in developing its territory as well as universal access to municipal buildings, communications, programs and services in general. | 9 |
| Promoting flexibility in supplying municipal services and in the use of public spaces to meet various citizen needs.   | 3 |



## Combating discrimination in municipal services

The OdM is the guardian of the Ville de Montréal's commitments contained in the Montréal Charter of Rights and Responsibilities, aimed at combating all forms of discrimination based on prohibited grounds within its spheres of activity. Still not widely known by citizens who might need to use it, the OdM's jurisdiction regarding discrimination is extensive and unique. The OdM makes a significant contribution to ensuring the right to equality for citizens in their dealings with the City.

Systemic racism, religious discrimination, Islamophobia, discrimination in the allocation of benefits under a regulatory program, and discrimination based on disability in the provision of municipal services are examples of allegations in the complaints we receive.

We rigorously evaluate the extensive and sometimes complex facts gathered in these thorough investigations, applying, among other things, the principles enshrined in Quebec's Charter of Human Rights and Freedoms as interpreted by the courts. In doing so, we consider the evolving social reality.

We provide complainants and City representatives with clarifications on what constitutes various forms of discrimination and what does not.

In cases where the complaint is found to be valid, in addition to the redress granted to the victim, we may recommend changes to practices and the implementation of preventive measures to prevent the recurrence of discriminatory conduct.



“Yes the Ville came and put up the handicap space... like you said. You have helped me very much and I would like to thank you very much.”

# Our impact: in solution mode



“ I really appreciate what you've done for me. I don't have the money to defend myself, and I didn't think I could access a service like yours. Thank you for taking the time; you're the first person who has truly listened to me. ”

S. S.



## Notices and advice

On occasion, we share with City stakeholders our comments and concerns regarding matters that, in our opinion, are worthy of their attention—sometimes, their immediate attention. These are targeted actions that we do not consider to be formal inquiries. City representatives also consult us at times, for example about services provided to residents or ways in which they could improve their procedures. The point of these requests is not to obtain our formal opinion or approval, but to encourage current or future deliberations. We are happy to respond, as this is part of our mandate.

Here is an example of such an intervention:

In Montréal, short-term rentals of properties to tourists, for example through platforms such as Airbnb, are the shared responsibility of the Government of Québec and the City, and that responsibility poses significant challenges.

In September 2022, Québec's *Tourist Accommodation Act* and the regulation respecting its application came into force. That legal framework imposed new standards on municipalities while providing them with additional tools for enforcing their own by-laws.

In light of previous complaints and ongoing challenges including the housing crisis, we decided to take a proactive approach, and in 2023 developed a **thought-starter toolkit on short-term tourist rentals** for use by Montréal's boroughs.

As its name indicates, the toolkit aims to help boroughs consider the various ways in which they can intervene effectively, within the newly applicable legal framework and according to their specific context, on matters such as:

- Regulating the uses associated with short-term tourist rentals;
- Enforcing their zoning by-laws in this regard within their territories; and
- Authorizing the exercise of these uses in compliance with their by-laws on nuisances, salubrity and safety.

We looked at three topics:

1. Short-term rentals to tourists in a person's primary residence;
2. General tourism accommodations of the "tourist home" type; and
3. The new tools for implementing by-laws on uses, nuisances, salubrity and safety.

We conducted a review of the boroughs' by-laws and, based on our analysis of the topics listed above, provided them with checklists to assist them in developing their policies and actions, or to help them make changes to by-laws.

In March 2024, stories in several media outlets about a Montréal borough's monitoring of short-term tourist rentals in properties that were discovered not to be primary residences confirmed that this matter remains a pressing one and that our tool is useful.



## Our front-line files

Front-line members of our team are the first point of contact citizens have with our office: they field the calls, emails and complaint forms. They take the time to listen to the citizens' requests, and make sure they are well understood. When persons who contact us have not exhausted all other recourses available to them, the team redirects them to the borough or relevant service. When their request does not concern Ville de Montréal, the team directs them to a resource likely to help them.

It also happens that front-line members of our team settle complaint files at this stage of the process. Occasionally, a missing piece of information or a confirmation is enough to close a file, or members explain the complaint to the entity concerned so that the latter takes charge of the file. In some cases, all recourses have not been exhausted, but our front-line team decides to take the file in hand in view of its urgency or of the vulnerability of the persons who filed the complaint.

Here are a few examples of interventions by our front-line team in 2023.

**Arrondissement d'Ahuntsic-Cartierville** – An older resident with reduced mobility contacted us about the lack of a doorbell and buzzer system for him to unlock the front door of his building. This was quite inconvenient for him, since he lived on the third floor and, whenever he had a visitor, he had to go down several stairs to open the door. The situation had persisted for more than six years, as the building owner had done nothing to address the problem. We quickly contacted the borough and, further to our request, a buzzer system was installed.

**Arrondissement de Villeray–Saint-Michel–Parc-Extension** – A resident complained that work to repair a water line had destroyed the landscaping of her front yard. The work had been done in October 2022 and the borough was supposed to have relandscaped her yard in spring 2023, but did not. She contacted the borough several times, but no one ever came to do the work. Following our frontline intervention, the City compensated her with a lump sum so that she could proceed with the work.

**Arrondissement de Rivière-des-Prairies–Pointe-aux-Trembles** – The citizen is a parent to a ten-year-old child who has a disability. In front of their residence, there is a designated on-street parking spot reserved for individuals with disabilities. The citizen has obtained a disabled parking permit and has even acquired an adapted vehicle. However, a municipal inspector expressed intent to eliminate the designated parking space. Following redirection to the borough administration, the parking spot was maintained, allowing the citizen to continue using it for his child's benefit.

**Arrondissement Le Plateau-Mont-Royal** – A resident feared that the personal information that he provided during a 311 call would be used by the City, though he had wished to file an anonymous complaint. After being referred to a person in charge at 311 to obtain a clear answer regarding the use of his personal information, the resident received no response. We intervened with the Service de l'expérience citoyenne et des communications (SECC), resulting in the resident receiving a convincing and reassuring response: his personal information would not be shared.

**Arrondissement Le Sud-Ouest** – A resident contacted us because work that the City was carrying out on his street was obstructing access to his private parking spaces. He contacted the borough to resolve the situation, but to no avail. We contacted the borough and obtained a parking-permit sticker for a space near the resident's home. Our intervention simplified communications, and the resident was able to park his vehicle with no worries.

**BIXI** – A resident complained that ever since a BIXI bike-share station was installed in front of her home, there had a great deal of noise made by users taking and returning bikes. After the resident was referred to BIXI management but did not receive a satisfactory response, we intervened, and the bike-share station was subsequently moved to a better location. The resident is very satisfied.

“ I would like to thank you in particular for the time you took in explaining and keeping us informed at every step of the way. ”

A. S. A.

# Complaints, requests for information and inquiries by entity

“ I thank you for your time and efforts to improve the democratic process. I am glad to see it being put into practice. ”

A. L. C.



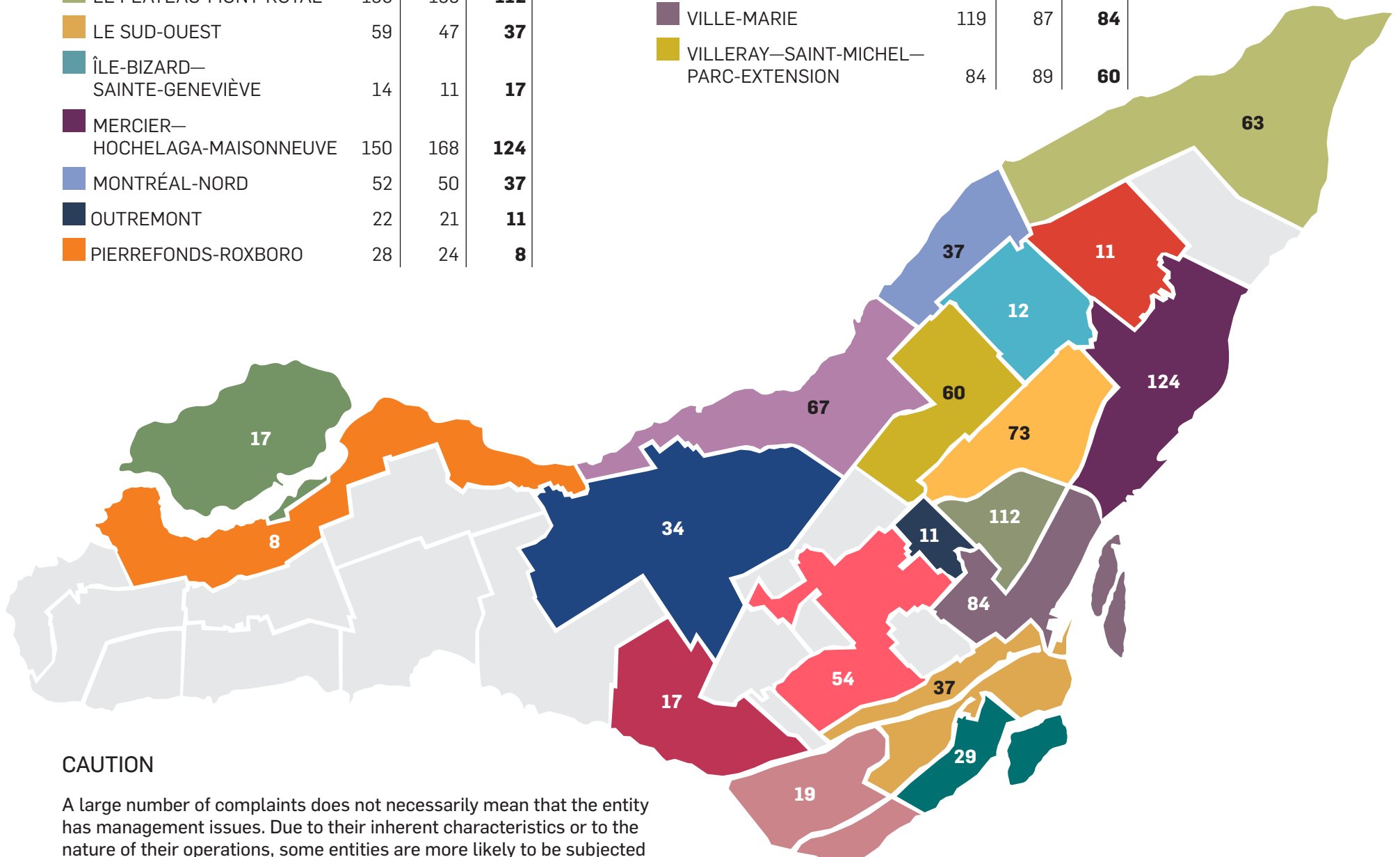


# COMPLAINTS, REQUESTS FOR INFORMATION AND INQUIRIES BY ENTITY

## Boroughs

|   | 2021 | 2022 | 2023       |
|---|------|------|------------|
| AHUNTSIC-CARTIERVILLE                   | 89   | 83   | <b>67</b>  |
| ANJOU                                   | 16   | 11   | <b>11</b>  |
| CÔTE-DES-NEIGES—<br>NOTRE-DAME-DE-GRÂCE | 108  | 82   | <b>54</b>  |
| LACHINE                                 | 20   | 28   | <b>17</b>  |
| LASALLE                                 | 19   | 31   | <b>19</b>  |
| LE PLATEAU-MONT-ROYAL                   | 136  | 135  | <b>112</b> |
| LE SUD-OUEST                            | 59   | 47   | <b>37</b>  |
| ÎLE-BIZARD—<br>SAINTE-GENEVIÈVE         | 14   | 11   | <b>17</b>  |
| MERCIER—<br>HOCHELAGA-MAISONNEUVE       | 150  | 168  | <b>124</b> |
| MONTRÉAL-NORD                           | 52   | 50   | <b>37</b>  |
| OUTREMONT                               | 22   | 21   | <b>11</b>  |
| PIERREFONDS-ROXBORO                     | 28   | 24   | <b>8</b>   |

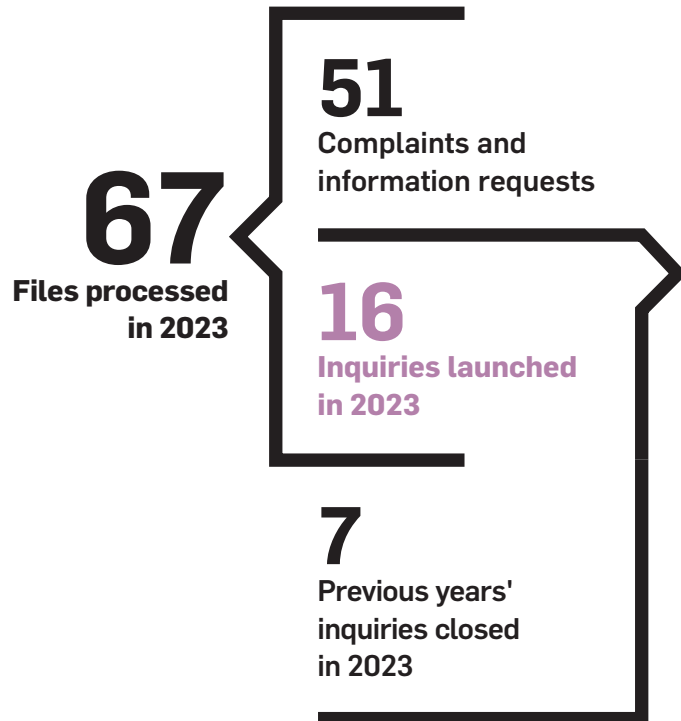
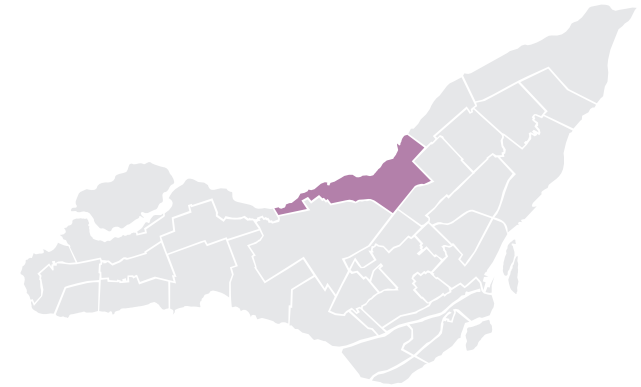
|  | 2021 | 2022 | 2023      |
|--|------|------|-----------|
| RIVIERE-DES-PRAIRIES—<br>POINTE-AUX-TREMBLES | 66   | 60   | <b>63</b> |
| ROSEMONT—<br>LA PETITE-PATRIE                | 118  | 89   | <b>73</b> |
| SAINT-LAURENT                                | 26   | 25   | <b>34</b> |
| SAINT-LÉONARD                                | 22   | 11   | <b>12</b> |
| VERDUN                                       | 27   | 28   | <b>29</b> |
| VILLE-MARIE                                  | 119  | 87   | <b>84</b> |
| VILLERAY—SAINT-MICHEL—<br>PARC-EXTENSION     | 84   | 89   | <b>60</b> |



### CAUTION

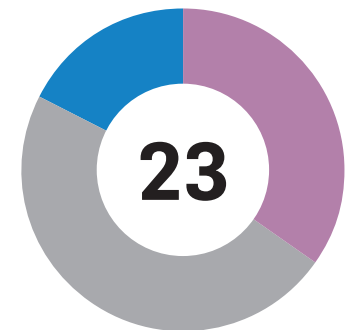
A large number of complaints does not necessarily mean that the entity has management issues. Due to their inherent characteristics or to the nature of their operations, some entities are more likely to be subjected to complaints.

# Arrondissement d'Ahuntsic-Cartierville



### Topics of inquiries launched in 2023

|   |   |
|---|---|
| Bicycle paths and lanes .....                             | 7 |
| Transformation, construction and demolition permits ..... | 3 |
| Tree .....  | 1 |
| Fences, hedges, driveway entrances and others ..          | 1 |
| Buildings: maintenance and salubrity .....                | 1 |
| Community gardens .....                                   | 1 |
| Nuisances .....   | 1 |
| Public works .....  | 1 |



Complaints founded: 8  
Complaints ill-founded: 11  
Pending: 4

Average processing time of inquiries: 58 days

### EXAMPLE OF INQUIRY CLOSED IN 2023

#### Noise complaints: improved co-existence for people living near an outdoor festival site

People living in a building close to an outdoor site that hosts festival events three nights a week during the summer lasting until 10 p.m. filed a noise complaint. A survey of neighbourhood residents found that people generally have a positive view of the initiative and most would like the event to continue in years to come.

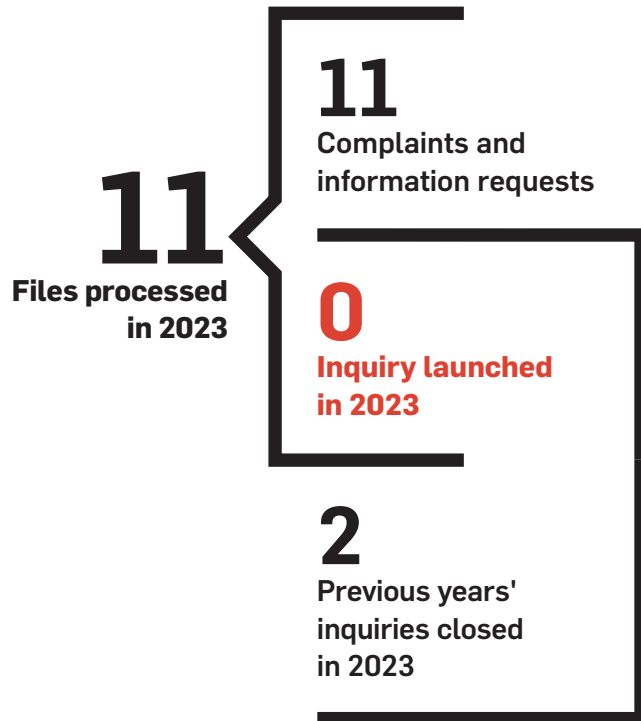
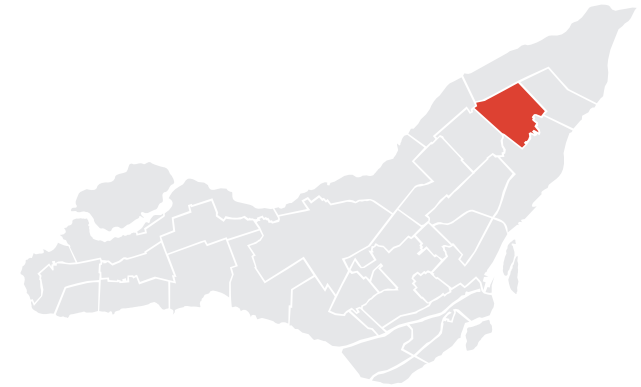
Dissatisfaction related to noise, however, remained. Consequently, we felt it was important to determine what measures would enable noise reduction and improvement of the overall experience.

The borough and the non-profit organization that manages the site made a number of commitments aimed at improving co-existence with neighbourhood residents during the 2023 season:

- Measurement of sound levels during each event;
- No events scheduled on Mondays as well as Saturdays and Sundays and no more than 21 festival evenings during the summer, with sound levels limited to 60 decibels at a distance of 35 m from the loudspeakers;
- Establishment, in co-operation with neighbourhood residents, of a maximum acceptable sound level during evenings when music is played;
- Installation of a decibel meter approximately 35 m from the loudspeakers, with a link to an online platform displaying the meter reading and accessible by members of the public;
- Improved communications with neighbours.

Our follow-up on these commitments found that all were being respected, by and large. The borough received no complaints about noise during that summer season.

# Arrondissement d'Anjou



Complaints founded: 2

Average processing time of inquiries: 218 days

## EXAMPLE OF INQUIRY CLOSED IN 2023

### Early closing of soccer fields: new approach and introduction of measures yielding good results

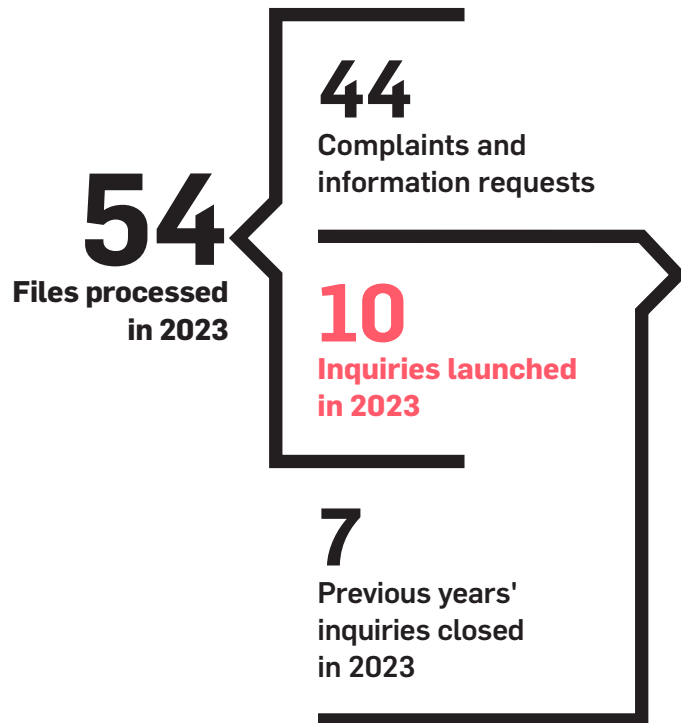
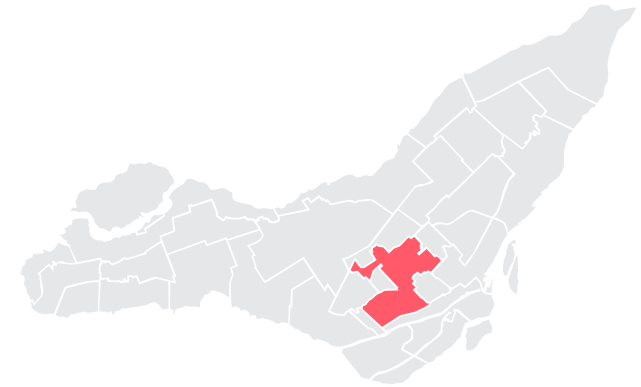
A resident and his son contacted our office to complain about the premature closing of the borough's soccer fields for pickup games at the end of summer in 2022, and about multiple aspects pertaining to management of the facilities: the condition of the natural-grass fields, communication of the pickup soccer schedules, a lack of bicycle racks, washrooms and garbage bins, etc.

When we began our inquiry, in late October 2022, the fields had already reopened. Borough representatives explained to us that they had been closed in the wake of events that posed safety risks: vandalism, illicit transactions, suspicious gatherings and so on. The early closing apparently had something to do with the behaviour of specific individuals, so it seemed unfair to penalize all young people as a result.

The borough noted that it had already introduced certain measures to ensure safety in Parc Goncourt beginning with its reopening in September 2022, and had committed to introducing others in spring 2023 so as to improve the safety and management of the soccer fields in question. We obtained confirmation of the full list of measures proposed to ensure fair and enjoyable sharing of the facilities by all users: addition of park monitors, hiring of more police cadets, contracting of a security firm, installation of surveillance cameras, additional washrooms, bicycle racks and garbage bins, upkeep of the natural-grass fields, availability of several slots for pickup soccer on artificial-turf fields, collaboration with a community group to offer guided activities in selected parks, posting of schedules at park entrances, and more.

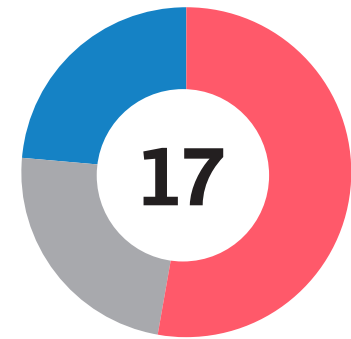
We conducted follow-ups and made return visits to the sites on several occasions during summer 2023. Generally speaking, in our opinion and that of the borough as well, the measures implemented have improved the situation. We nevertheless requested some enhancements, such as additional garbage bins and bicycle racks in some parks.

# Arrondissement de Côte-des-Neiges–Notre-Dame-de-Grâce



**Topics of inquiries launched in 2023**

|   |   |
|---|---|
| Bicycle paths and lanes                             | 3 |
| Nuisances   | 2 |
| Tree  | 1 |
| Claims for material damage or bodily injury         | 1 |
| Buildings: maintenance and salubrity                | 1 |
| Transformation, construction and demolition permits | 1 |
| Public works  | 1 |



- Complaints founded: 9
- Complaints ill-founded: 4
- Pending: 4

Average processing time of inquiries: 115 days

## EXAMPLE OF INQUIRY CLOSED IN 2023

### Abandoned vacant building causing hazards and nuisances for neighbours: successful inquiry, matter resolved

A building near a resident's home had stood vacant for eight years. She made regular calls to 311 to complain about the decaying and dangerous state of the property: rats in the backyard, broken windows, 1.2 m high weeds and wasp nests. She was exasperated and demanded that the borough take action.

The building was owned by an estate. It was vacant, run-down, unfit for occupancy and likely in violation of several articles of the *Règlement sur l'entretien des bâtiments*. An engineer's report was necessary to ensure the stability of the rear foundation wall. As stipulated in the aforementioned by-law, the drainage system had to be sealed to eliminate rats, which travel via the sewage system. The overgrown weeds were in violation of the *Règlement sur la propreté*.

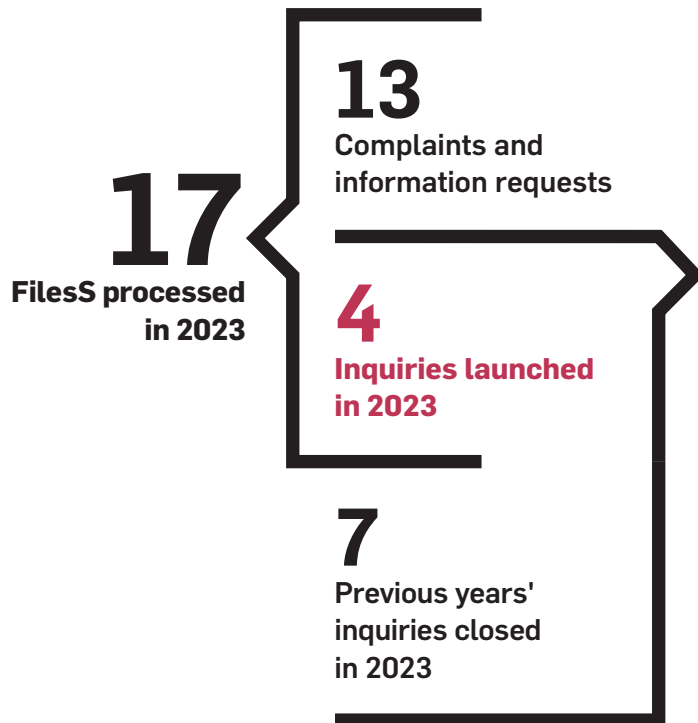
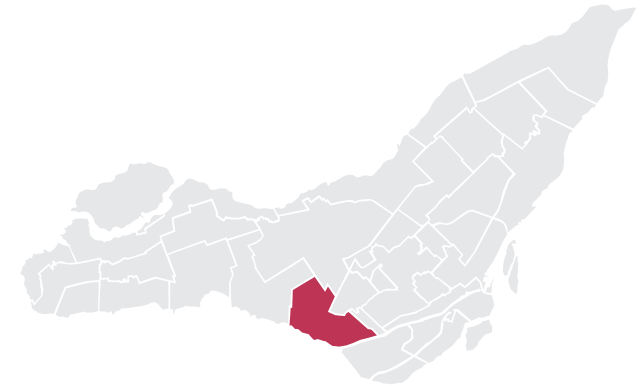
According to a bailiff's report, however, the borough had been unable to reach the executor of the estate, who no longer lived at the address indicated in the file.

Given the difficulties experienced by the borough in serving notice, we conducted additional searches in the property index and found the executor's current address. Notices were then sent to her successfully and the process was resumed.

Following the recommendations in the engineer's report, urgent work was performed to secure the foundation wall and basement of the house. Plumbing work was also done, and the weeds were cut.

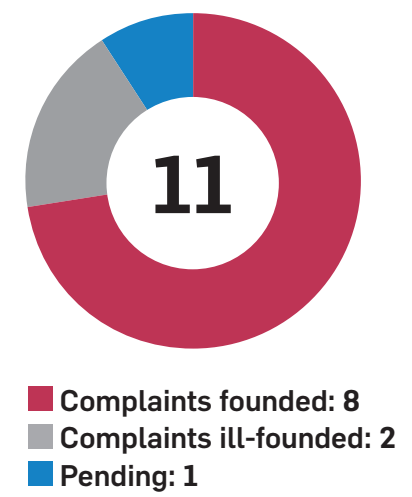
A renovation permit has since been issued and the building has been rehabilitated, such that it is no longer an eyesore.

# Arrondissement de Lachine



**Topics of inquiries launched in 2023**

|                    |   |
|--------------------|---|
| Nuisances .....    | 2 |
| Human rights ..... | 1 |
| Alleyways .....    | 1 |



Average processing time of inquiries: 143 days

## EXAMPLE OF INQUIRY CLOSED IN 2023

### When an alleyway isn't an alleyway

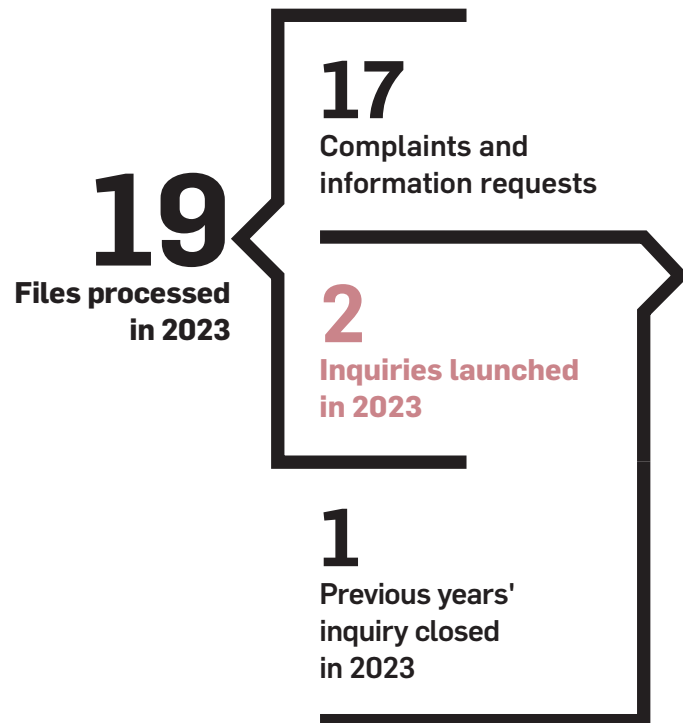
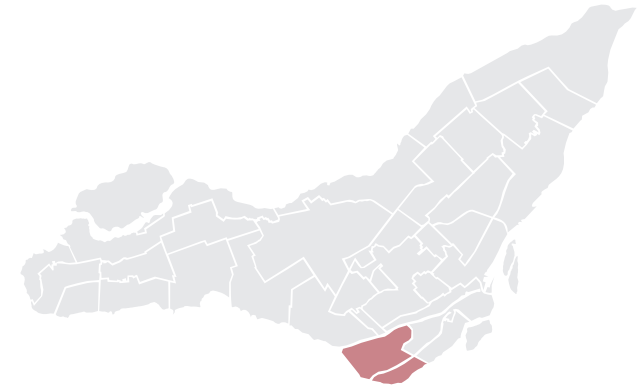
A resident wished to acquire a part of the alleyway bordering the rear and side of his property. The space in question is de facto occupied by neighbourhood residents and the alleyway is not passable as a result. Another neighbour had had no problem acquiring her portion of the alleyway. The complainant resident's file, however, had been closed. He contacted us for help in understanding why, and in reopening the file.

The borough told us that it had rejected the transfer of the alleyway because some buildings would have been enclaved (cut off from road access) as a result.

Our inquiry revealed a complex legal situation. On paper, the alleyway did indeed consist of three distinct portions, with different rules for each:

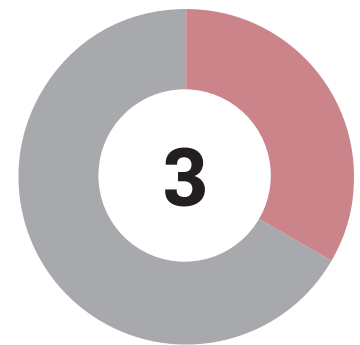
- Rear portion: the alleyway had been closed pursuant to a by-law, and the rules in force at the time it was closed allowed for its transfer to neighbourhood residents because the enclavement situation was treated differently at that time. The file was therefore reactivated, and the resident permitted to acquire this portion.
- Lateral portion: this alleyway segment remains public property and the current rules apply. Those rules state that a transfer of an alleyway cannot result in a building becoming non-compliant. To assess the compliance of the properties concerned, the borough had to have access to certain plans, which it did not possess. Once those plans were acquired, the borough could then continue to review the matter.
- Portion transferred to a neighbour: the legal situation allowed for the acquisition of the portion of the alleyway transferred to a neighbour.

# Arrondissement de LaSalle



**Topics of inquiries launched in 2023**

|   |   |
|---|---|
| Buildings: maintenance and salubrity                | 1 |
| Transformation, construction and demolition permits | 1 |



Complaint founded: 1  
Complaints ill-founded: 2

Average processing time of inquiries: 93 days

## EXAMPLE OF INQUIRY CLOSED IN 2023

### Zoning bylaw: inconsistent application

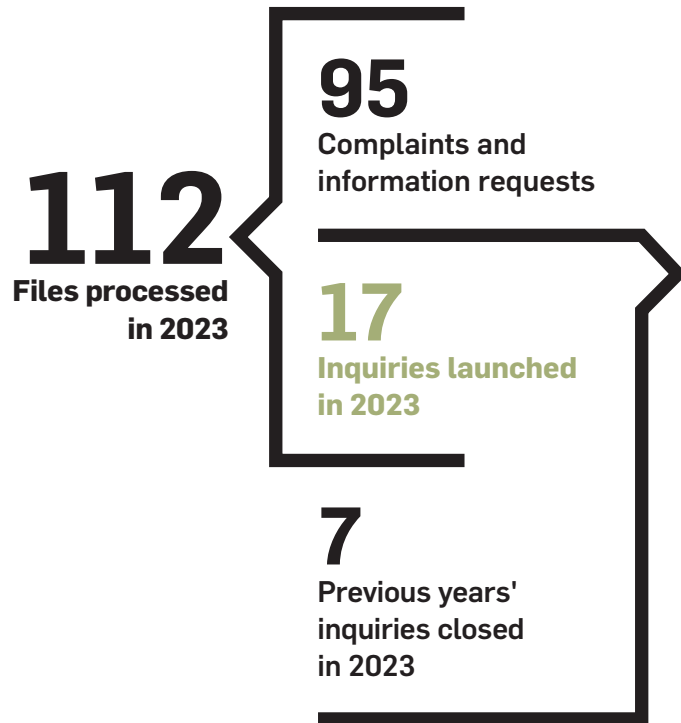
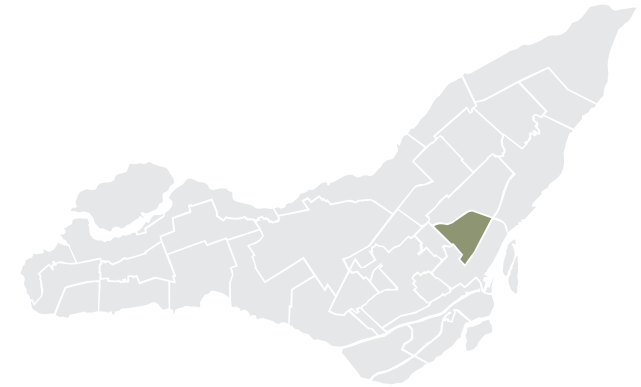
A resident complained about the fact that in 2021 her neighbour had secured a permit to build a rooftop terrasse on his property. A similar permit request made by the complainant resident had been rejected, the reason given being that rooftop terrasses are not permitted in LaSalle. She deemed the situation unfair.

The *Règlement de zonage* stipulates that any use that is not specifically authorized is prohibited. Thus the building of a terrasse on the roof of a building or an ancillary building, such as a garage, is prohibited since it is not authorized as of right. The borough maintained that the permit for the neighbour's rooftop terrasse had been issued in error.

Our inquiry revealed, however, that since 2017 the borough had issued four permits for the building of rooftop terrasses, including two that had been specifically authorized by the director of *Direction de l'aménagement urbain et des services aux entreprises* (who was, however, no longer employed by the City of Montréal at the time of our inquiry). As a result, the borough was unable to provide further explanations on that aspect.

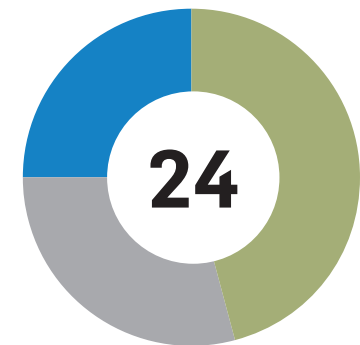
We learned, however, that a directive had been issued in December 2022 to ensure better management of this type of request. Furthermore, the borough informed us that a by-law review has been launched for the district where the complainant lives, to define the conditions under which rooftop structures, including terrasses, may be permitted.

# Arrondissement Le Plateau-Mont-Royal



### Topics of inquiries launched in 2023

|   |   |
|---|---|
| Nuisances .....   | 4 |
| Public property: occupancy and commercial activities .....                | 3 |
| Bicycle paths and lanes .....   | 3 |
| Transformation, construction and demolition permits .....                 | 2 |
| Universal accessibility .....   | 1 |
| Buildings: maintenance and salubrity .....                                | 1 |
| Unhoused people and social coexistence .....                              | 1 |
| Citizen participation .....   | 1 |
| City services: communications, behaviour, procedures and timeframes ..... | 1 |



Complaints founded: 11  
Complaints ill-founded: 7  
Pending: 6

Average processing time of inquiries:  
112 days

### EXAMPLE OF INQUIRY CLOSED IN 2023

#### A special building project results in surprise and discontent among neighbours

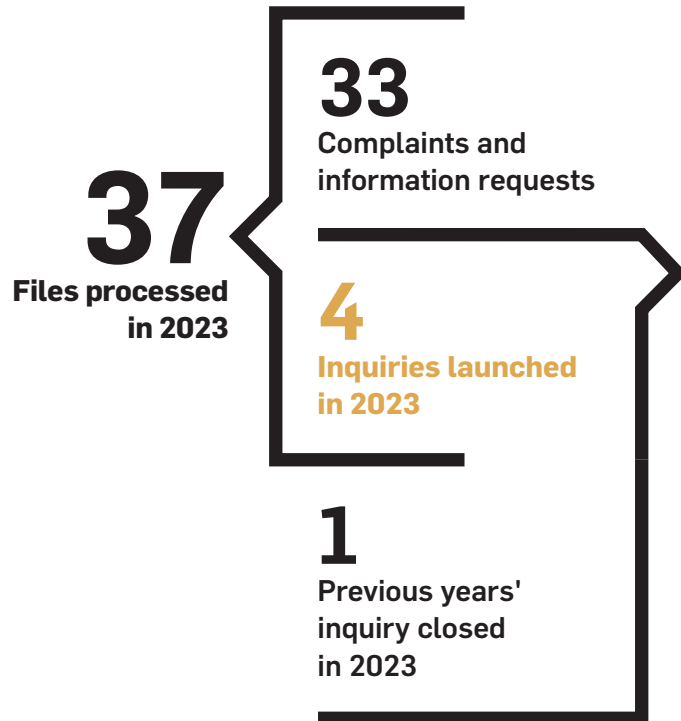
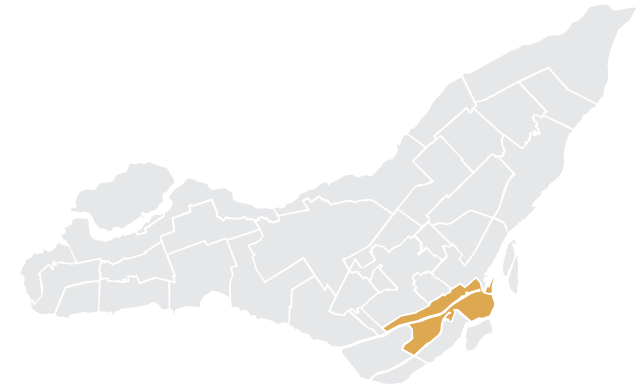
Neighbours opposed a special construction, transformation or occupancy project (known by its French abbreviation PPCMOI) for a residential building, despite its authorization by the Borough Council, because of its negative impact on their properties (significant loss of sunlight, visual impact). The project involved the addition of a partial third storey on a single-family dwelling located in a dense area with no alleyway, where the *Règlement d'urbanisme* (planning by-law) stipulates a height of two storeys (minimum and maximum) and forbids the construction of mezzanines on this type of property.

We noted that the borough had not required a 3D sun/shadow study, as stipulated in its *Guide de préparation d'un dossier au CCU* (guide to preparation of a file for the planning advisory committee)

and as it had done in the case of other PPCMOIs in recent years. Furthermore, the applicant's document outlining the project for the members of the CCU and Borough Council contained inaccuracies. Lastly, no meeting with neighbouring residents had been required before approval, as is normally the case for this type of project, in view of the specific rules that this borough has adopted.

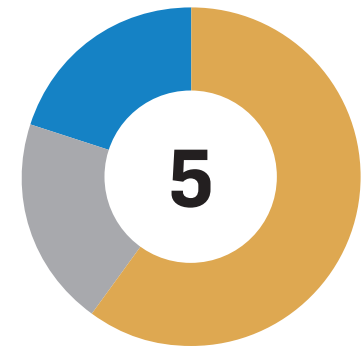
Following our inquiry, the borough expanded upon its prior study of the project and pledged, ahead of the subsequent regulatory steps, to properly outline for the members of the CCU the items that had been missing at the time of the initial approval along with the additional information provided thereafter. The entity concerned therefore resubmitted the PPCMOI to the CCU, which recommended that it be revised so as to reduce the impacts on neighbours.

# Arrondissement Le Sud-Ouest



**Topics of inquiries launched in 2023**

|   |          |
|---|----------|
| Transformation, construction and demolition permits ..... | <b>2</b> |
| Universal accessibility .....                             | <b>1</b> |
| Public works .....  | <b>1</b> |



- Complaints founded: 3
- Complaint ill-founded: 1
- Pending: 1

Average processing time of inquiries: **98 days**

## EXAMPLE OF INQUIRY CLOSED IN 2023

### Accessibility of sidewalks for people with reduced mobility

A citizen who uses a wheelchair contacted us after unsuccessful attempts to report an issue with accessibility in Le Sud-Ouest Borough: some curb ramps were not adapted for people with reduced mobility. The fact that the curb was a few centimetres higher than the roadway prevented him from mounting the sidewalk, and the nearest practicable crossing was several hundred metres away. Despite repeated attempts, the borough had twice refused the citizen's requests, giving a different reason each time.

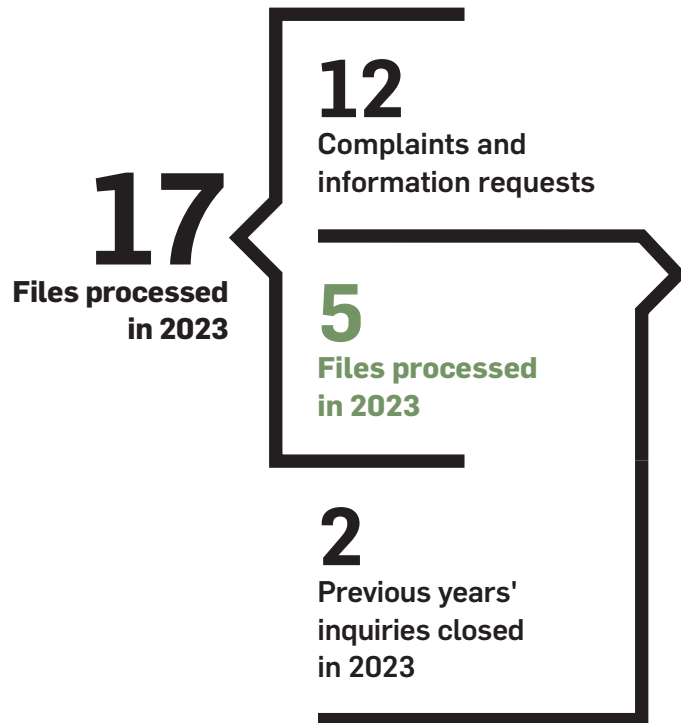
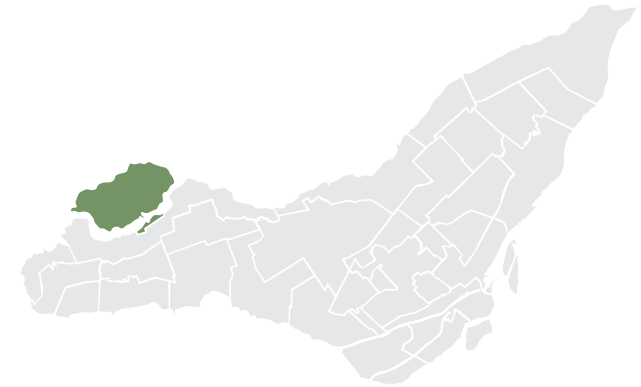
We quickly contacted the borough, which reconsidered its position and agreed to proceed with work in spring 2023 to rectify the situation. Although the proposed measures addressed the citizen's complaint,

we had concerns with the way his requests had been handled, and as a result we conducted some checks.

The borough acknowledged that the requests had not been handled properly: the foreman in charge should have given more thought to the adjustments required in matters of accessibility, rather than merely considering the technical aspects of the work. The borough also acknowledged that, had a second-level manager and/or a director become involved, this would probably have enabled more appropriate study of the request. In the course of our inquiry, the borough informed us that it would soon be implementing a process to improve its practices, with the support of a specialized firm, in order to better coordinate the handling of citizen requests and complaints.

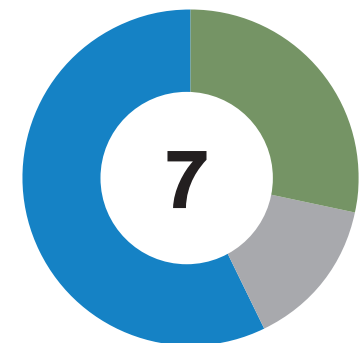


# Arrondissement de L'Île-Bizard–Sainte-Geneviève



### Topics of inquiries launched in 2023

|                    |   |
|--------------------|---|
| Other permit ..... | 2 |
| Tree .....         | 1 |
| Subsidies .....    | 1 |
| Public works ..... | 1 |



- Complaints founded: 2
- Complaint ill-founded: 1
- Pending: 4

Average processing time of inquiries: 152 days

### EXAMPLE OF INQUIRY CLOSED IN 2023

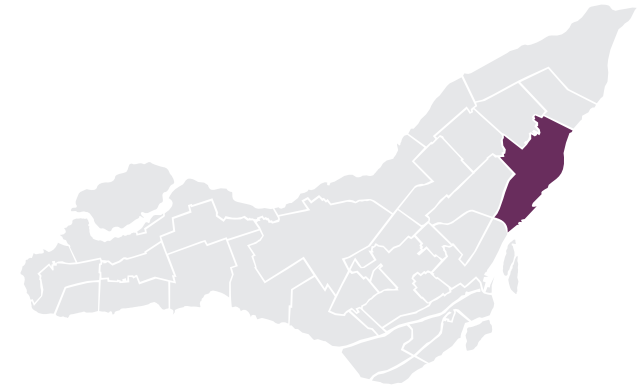
#### A neighbour's noisy heat pump is relocated at last

The building next door to that of a resident is equipped with two heat pumps, one of which was installed in June 2022 to serve a recently built solarium. The resident maintained that the new pump was extremely noisy, disrupting her sleep and preventing her from enjoying her yard. She had complained to the borough on several occasions. When inspectors visited, they determined there was no noise pollution and declined to take any action.

We soon realized that the inspectors had inspected the wrong heat pump. We requested a second inspection to check, first of all, whether the pump location was compliant with the minimum distance from the property line stipulated in the *Règlement de zonage*.

The heat pump was indeed too close to the property line. The neighbour had two options: move the pump or build an opaque enclosure around it at the height stipulated in the by-law. After the borough had granted the neighbour many deadline extensions to complete the work, and following our regular reminders to expedite the processing of the file, a statement of offence was issued to the neighbour in late April 2023. In August 2023, the heat pump was finally relocated to a distance of more than 5 m from the property line, in compliance with the by-law. The complainant is no longer inconvenienced by the noise from the pump and has regained the peace and quiet to which she is entitled.

# Arrondissement de Mercier–Hochelaga-Maisonneuve



**124**  
Files processed in 2023

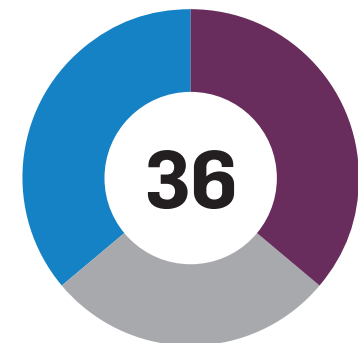
**97**  
Complaints and information requests

**27**  
Inquiries launched in 2023

**9**  
Previous years' inquiries closed in 2023

### Topics of inquiries launched in 2023

|   |   |
|---|---|
| Nuisances .....   | 9 |
| Transformation, construction and demolition permits ..... | 6 |
| Fences, hedges, driveway entrances and others ..          | 3 |
| Public works .....  | 3 |
| Safety .....  | 2 |
| Tree .....  | 1 |
| Buildings: maintenance and salubrriousness .....          | 1 |
| Unhoused people and social coexistence .....              | 1 |
| Parking and pick-up/drop-off areas .....                  | 1 |



Complaints founded: 13  
Complaints ill-founded: 10  
Pending: 13

Average processing time of inquiries: 106 days

### EXAMPLES OF INQUIRIES CLOSED IN 2023

#### Problem with noise from rooftop equipment: resolved

Residents of a condo property complained about excessive noise from a nearby supermarket's rooftop cooling and ventilation equipment. The initial complaint had been filed in 2017 and led to multiple actions on our part before the matter was resolved, in 2023.

This file required:

- several noise impact studies, at the supermarket operator's expense;
- an independent expert opinion requested by the borough;
- issuing of a statement of offence; and
- major conversion work.

It took some time for the first noise impact study to be conducted. As the results revealed that noise levels exceeded the standards

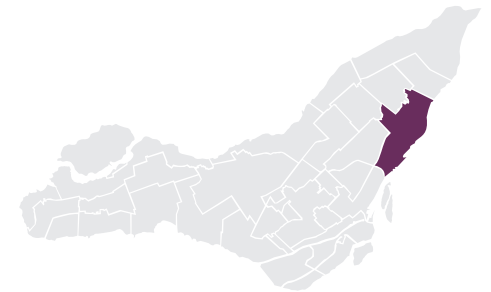
stipulated in the *Règlement sur le bruit*, in 2019 the borough undertook to implement the necessary measures to ensure performance of the work required. The process, however, took longer than expected.

First, three condensers located on the rear portion of the roof were replaced in late August 2020, at a cost of \$107,000. Although this work significantly reduced the impact of the equipment on the neighbourhood soundscape, noise levels still exceeded the limits set in the by-law.

In the end, the supermarket chose to install a sound barrier on the roof of the building. That work was completed in August 2023 at a cost of some \$175,000, and a certificate of compliance with the *Règlement sur le bruit* was produced in September of that year.

The co-owners are looking forward to enjoying their balcony space this summer.

## Arrondissement de Mercier– Hochelaga-Maisonneuve (suite)



### Ill-defined “home office” use

A resident complained that the borough had issued an occupancy permit for commercial activity to his tenant, although the latter’s unit is intended solely for residential purposes and the resident had previously reported the situation to the borough. He maintained that his tenant was operating a computer hardware repair shop and that the way in which he was using the building’s crawl space, accessible by means of a loft ladder and dug out in part, was dangerous.

Following that complaint, borough representatives visited the premises and asked the tenant to submit an application for an occupancy permit. A certificate authorizing use as a home office was issued, with the stipulation that no repairs of materials were authorized.

The borough inspected the premises shortly thereafter and noted that the use of the crawl space was not compliant with municipal by-laws. Follow-ups were conducted. The tenant transferred the office to the ground floor, but clean-up work remained to be done on the lower level.

At our request, the borough undertook to conduct a new inspection of the unit, no later than mid-July 2023. When we followed up at the end of August, the borough attempted to contact the tenant, and then proceeded with a surprise inspection. The inspector found that computer hardware repairs were being conducted on the premises, which was not permitted. The borough therefore sent a notice requiring that the operations cease.

The borough has also committed to review its *Règlement sur les certificats d’occupation et d’autorisation* and consider the addition of a provision requiring that occupancy permit applications be accompanied by authorization from the building owner, which is the norm in some other boroughs. We will follow up in 2024.

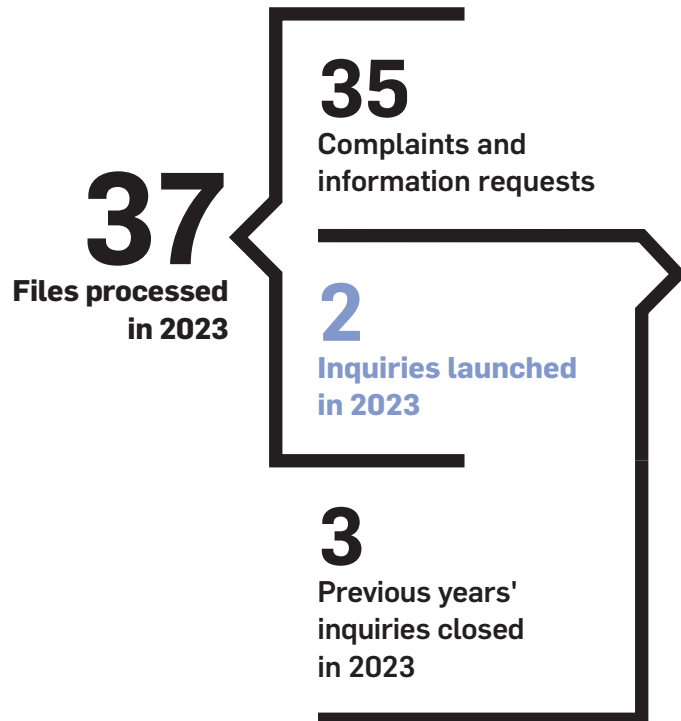
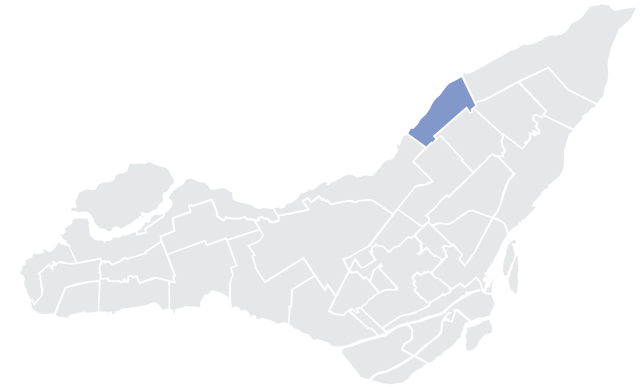
### Vested right to a parking space in front of a property

A resident asked us to intervene because the borough had decided to no longer recognize her vested right to a parking space in front of her property, despite it having accepted it in 2018.

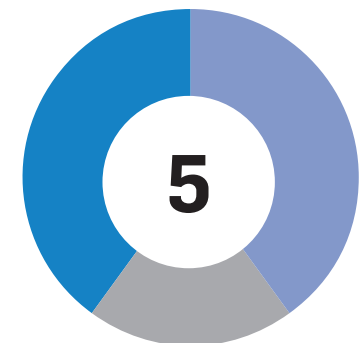
We reviewed the entire file as well as the archived documentation concerning the borough and the resident. In our opinion, all of the available evidence proved that the parking space had existed prior to the enactment of a 1974 by-law banning this type of layout.

After we presented the archived documentation and our explanations, the borough recognized the resident’s vested right and confirmed it in writing.

# Arrondissement de Montréal-Nord



| Topics of inquiries launched in 2023 |   |
|--------------------------------------|---|
| Safety .....                         | 1 |
| Other permits .....                  | 1 |



- Complaints founded: 2
- Complaint ill-founded: 1
- Pending: 2

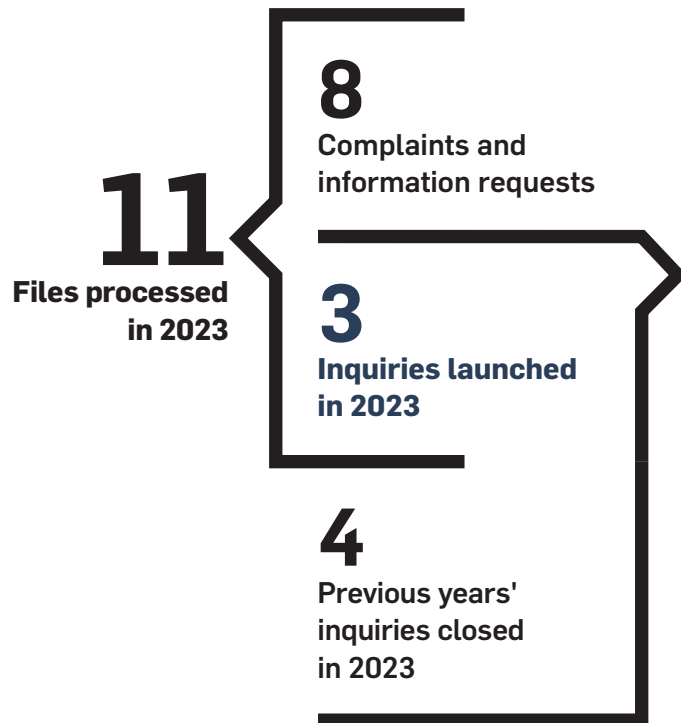
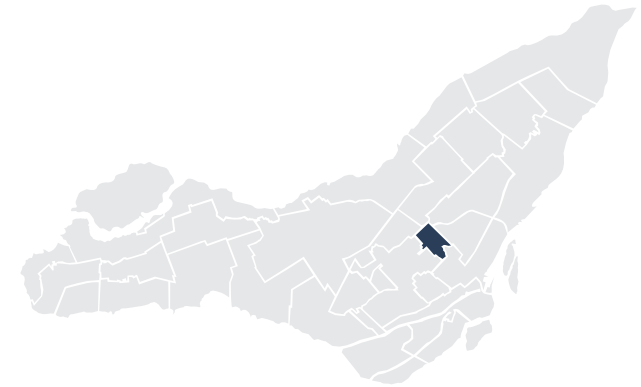
Average processing time of inquiries: 142 days

## EXAMPLE OF INQUIRY CLOSED IN 2023

### Non-compliant places of worship

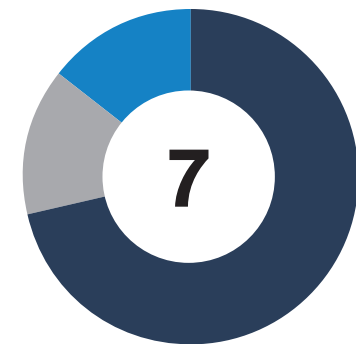
The borough is continuing its interventions with non-compliant places of worship, in accordance with the *Plan d'action visant les lieux de culte non conformes*. Follow-up will be conducted in 2025 to check on the progress of this file.

# Arrondissement d'Outremont



**Topics of inquiries launched in 2023**

|                     |   |
|---------------------|---|
| Other permits ..... | 1 |
| Nuisances .....     | 1 |
| Safety .....        | 1 |



■ Complaints founded: 5  
 ■ Complaint ill-founded: 1  
 ■ Pending: 1

Average processing time of inquiries: 129 days

## EXAMPLE OF INQUIRY CLOSED IN 2023

### Safety near École Saint-Germain-d'Outremont: challenges of co-ordination met, successful co-existence

A resident whose daughter attends École Saint-Germain-d'Outremont on avenue Vincent-D'Indy asked that measures be taken to ensure the safety of schoolchildren, notably at the intersection of Vincent-D'Indy and Willowdale.

As Vincent-D'Indy is defined as an *artère* (thoroughfare), the Service de l'urbanisme et de la mobilité (SUM) is involved in this matter. Several work projects, including the construction of the Réseau express métropolitain (REM) light-rail line, are also concerned.

In the course of our inquiry and at our request, the borough made several adjustments to school-zone signage, including the addition of prominently visible signs and pavement markings.

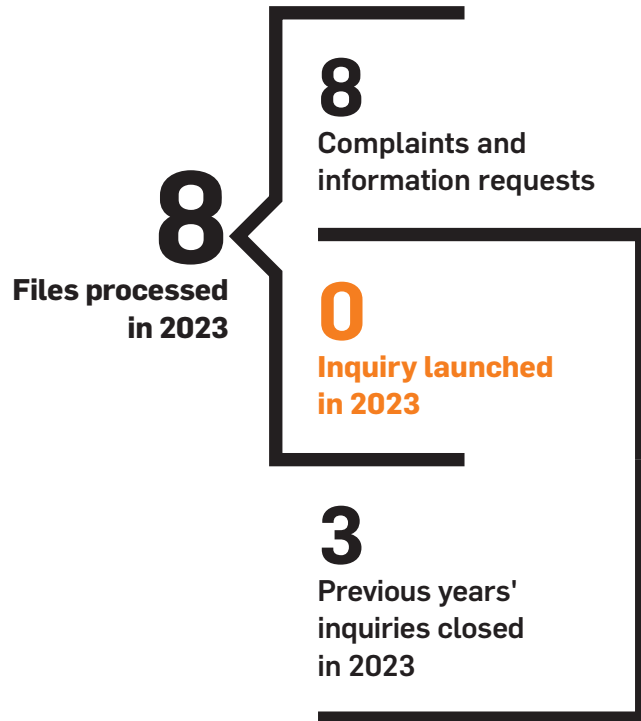
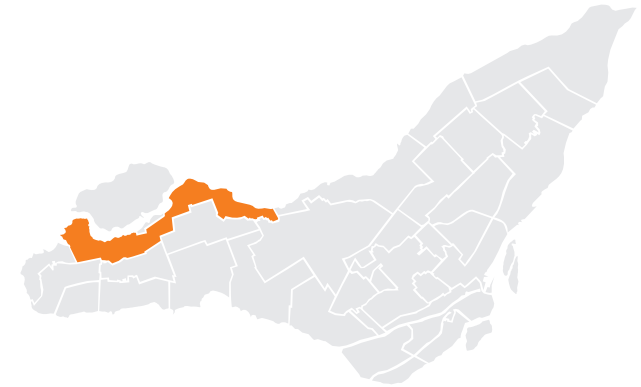
Our inquiries with SUM representatives found that, unbeknownst to all of the municipal stakeholders, changes had been made, including to the traffic lights at the intersection in front of the school, and these created a safety issue. A SUM engineer urgently sent the borough the signed and sealed plans for the remedial work required, which was executed immediately.

Lastly, in response to our suggestion, school safety corridors were delineated in time for students' return to class in 2023.

The actions carried out are in keeping with Québec Ministry of Transport standards for road safety near schools, as well as with best practices.

Looking to the future, we have been assured by the relevant authorities that they will exercise the necessary vigilance and deploy their expertise in this field so that safety in the vicinity of this school is maintained.

# Arrondissement de Pierrefonds-Roxboro



Complaints founded: 3

Average processing time of inquiries: 240 days

## EXAMPLE OF INQUIRY CLOSED IN 2023

### Saint-Charles Boulevard SPP

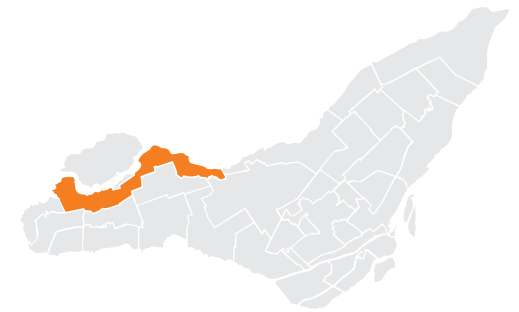
Following a complaint about the Public Participation Policy and non-compliance of the consultation process for the Saint-Charles Boulevard Special Planning Program (SPP), the borough made a commitment to improve transparency and communication of information in a future SPP, including the following actions:

- Post notice on the SPP Web page right from the start of the process, including a clear schedule and details of the steps related to information, consultation, active participation and feedback;
- If changes are made to the schedule, make the necessary corrections in a timely manner so that the status of the process is always up to date;

- To the extent possible and in a timely manner, ahead of any citizen participation process, publicize as much of the information that went into considering or developing the SPP as possible (e.g., reports, presentation documents, studies, diagrams, maps);
- Draft a feedback report summarizing the public consultation procedures, a summary of the main comments submitted in the various categories and the changes made to the SPP as a result of these procedures.

The borough also undertook to notify the OdM of the holding of an upcoming SPP so that our office can verify compliance with these commitments.

## Arrondissement de Pierrefond-Roxboro (suite)



### RECOMMENDATION REJECTED IN 2023

#### **Curb cut needed to access a vested-right parking area withdrawn by borough: recommendation by the Odm to restore it rejected**

The borough had removed a curb cut providing access to the parking space on the side of a resident's property. The resident challenged the decision of the borough, which refused to restore the curb cut.

The facts of the matter are as follows:

- From the time of its construction in 1982 until 2017, i.e., for 35 years, the building had a curb cut that provided access to an indoor garage as well as to a parking space on the side of the property.
- The portion of the curb cut to the left of the driveway providing access to the garage could also allow the passage of a recreational vehicle.
- In 2017, as part of road repair work, the borough reduced the width of the resident's curb cut on the grounds that it served a space on the side of the building covered in grass pavers, although the by-law authorize this type of paving.
- Following the work done by the borough, the resident was deprived of the parking space on the side of the property as well as the driveway for his recreational vehicle.

The by-law history showed that the parking space in question was compliant and legal at the time it was built, as was the accompanying curb cut, hence the existence of a vested right.

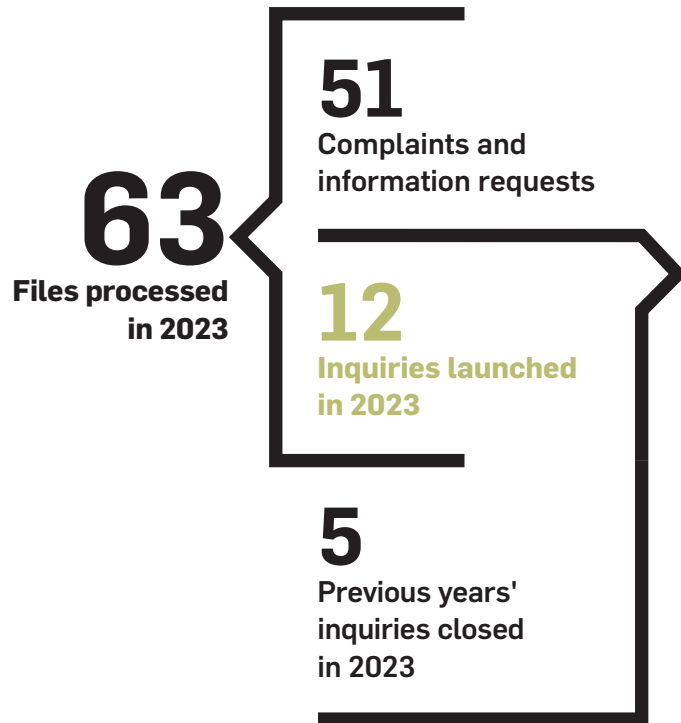
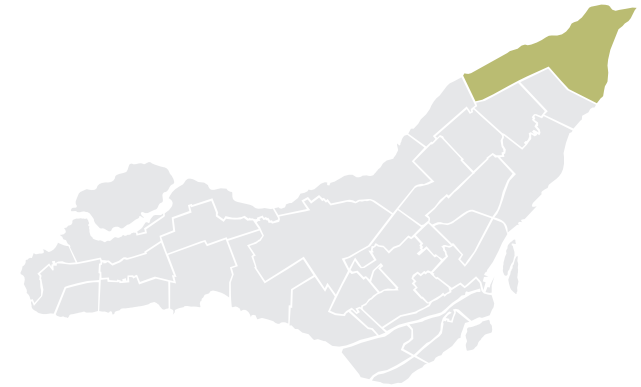
The borough stood by its decision, citing the principle that there is no vested right to public property, of which the resident's curb cut is a part.

We do not dispute that principle. This is not the issue here. Rather, the question is whether the resident has a vested right to the parking space on the side of the property, in which case the curb cut, which provides access to the parking space and is necessary for its use, should be maintained. Without a curb cut, there can be no parking space. The borough does not have the discretion, by virtue of its public-domain argument, to remove a private parking space that benefits from a vested right.

We recommended that the borough recognize the vested right as it is defined above, and restore the disused curb cut.

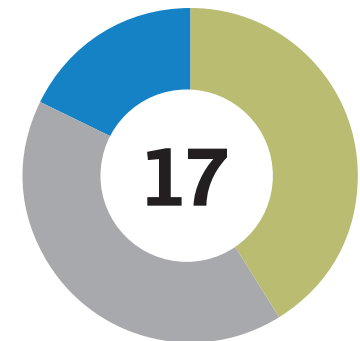
Once again citing the above-mentioned principle, the borough rejected our recommendation, without justification as to the core issue of the vested right to the parking space on the side of the property.

# Arrondissement de Rivière-des-Prairies–Pointe-aux-Trembles



### Topics of inquiries launched in 2023

|   |   |
|---|---|
| Fences, hedges, driveway entrances and others ...         | 3 |
| Public works .....  | 3 |
| Tree .....  | 2 |
| Parking offence .....                                     | 1 |
| Claims for material damage or bodily injury.....          | 1 |
| Alleyways .....   | 1 |
| Transformation, construction and demolition permits ..... | 1 |



Complaints founded: 7  
Complaints ill-founded: 7  
Pending: 3

Average processing time of inquiries: 77 days

### EXAMPLE OF INQUIRY CLOSED IN 2023

#### City-owned tree encroaching on private property that had to be felled: property owner did not have to pay \$4,000 bill sent by City

A resident challenged an invoice in the amount of \$3,927.98 that she received from the City for the felling of a tree on municipal property in front of her house. The tree had to be cut down to allow urgent repair work to her sewer line to be carried out. The resident thought it absurd and unfair that, in addition to incurring substantial costs to repair the damage caused to her property by the tree's roots, she should be billed by the borough for an amount representing the value of a tree located on public land.

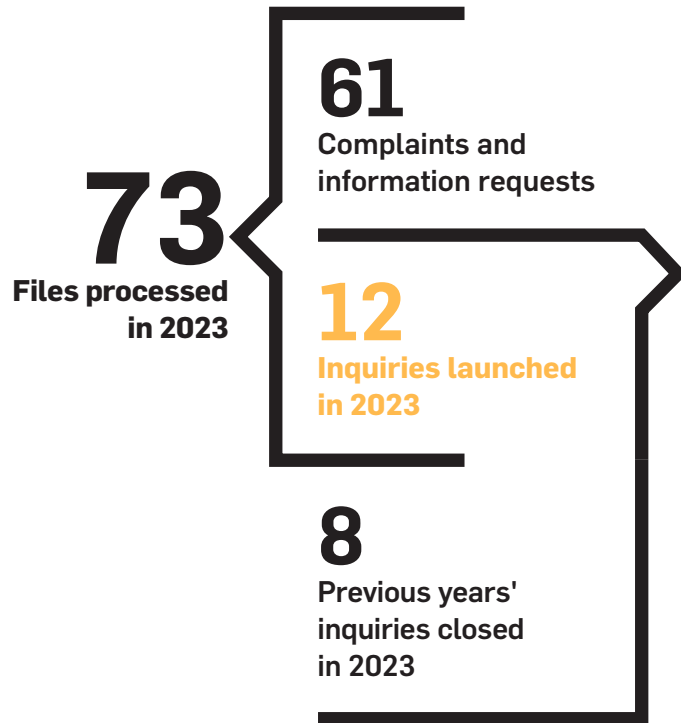
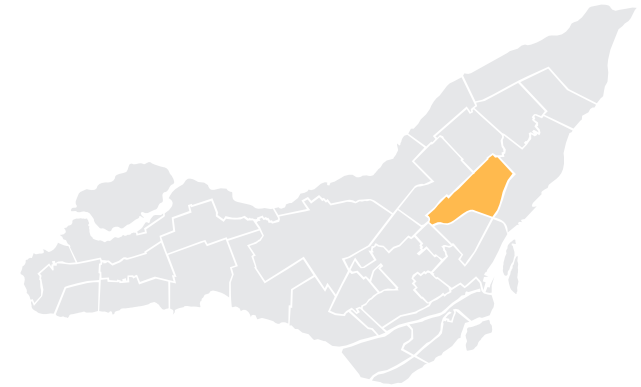
The borough acknowledged that it was necessary to cut down the tree, and used a section of its *Règlement sur les tarifs* (by-law respecting rates and fees) to justify billing the resident for the value of the tree.

We submitted to the borough that the by-law must be given a contextual interpretation taking into account the city's liability for its tree by virtue of the *Civil Code of Québec*. The provision of the by-law invoked by the borough concerns cases where a municipal tree encroaches on a planned construction. In this case the construction, i.e., the resident's house, predated the planting of the tree. Thus it was the municipal tree to be felled that was encroaching on private property, and not the other way around, and the rates set out in the *Règlement sur les tarifs* were not applicable in these circumstances.

The borough considered our argument and, in view of the facts brought to its attention, revised its decision and did not charge the resident for the tree-felling operation.

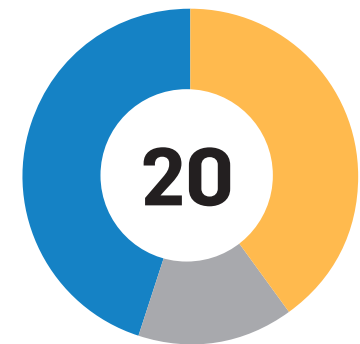


# Arrondissement de Rosemont–La Petite-Patrie



### Topics of inquiries launched in 2023

|  |   |
|--|---|
| Nuisances .....                                  | 5 |
| Alleyways .....                                  | 2 |
| Universal accessibility .....                    | 1 |
| Tree .....                                       | 1 |
| Fences, hedges, driveway entrances and others .. | 1 |
| Citizen participation .....                      | 1 |
| Public works .....                               | 1 |



Complaints founded: 8  
Complaints ill-founded: 3  
Pending: 9

Average processing time of inquiries: 113 days

### EXAMPLES OF INQUIRIES CLOSED IN 2023

#### Borough upgrades posting standards for certain types of projects: a concrete action that promotes citizen participation

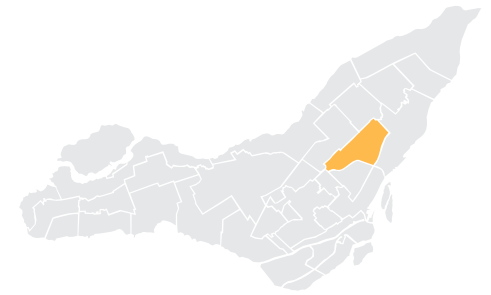
A resident complained that the process by which Borough Council authorized a controversial special project for a 27-unit housing complex was undemocratic.

The process as a whole was compliant with regulatory requirements. However, the mandatory posting of notice of the project at its location, announcing its nature and explaining how to obtain further information, was problematic. Only a laminated tabloid-format (11-x-17-inch) notice had been posted in the doorway of the building. This notice was not easily visible from outside by the residents concerned and who were entitled to express their opinions on the project.

At our request and in compliance with its commitments under Sections 15 and 16 of the *Montréal Charter of Rights and Responsibilities*, which pertain to citizen participation, the borough agreed to upgrade its standards for signage on the site of similar projects. The new signs are in a larger format and include a QR code that provides online access to the relevant documentation. The borough now delivers the signs along with installation and advertising instructions for the developer. The related cost is billed to the latter in accordance with the *Règlement sur les tarifs*, which has been amended to that effect.

This is a good example of successful citizen involvement and a simple procedure adopted by a borough to ensure credible, transparent and effective public consultations.

## Arrondissement de Rosemont– La Petite-Patrie (suite)



### Lack of direct access to a traffic lane: long-standing case nearing resolution

In this long-running case, which we wrote about in our 2022 Annual Report, the representatives of the syndicate of co-owners of two condo buildings have for several years been complaining to the City about the lack of direct access to a traffic lane for one of the buildings, erected in 2014.

After submitting to the entities involved our report summarizing the history of the condo project and the City's role in its development, and in which we requested that a permanent solution be implemented, we continued our actions and the case has moved forward.

The borough has committed to reviewing and improving the temporary access route for emergency vehicles that had been built following a notice from the Régie du bâtiment du Québec. A budget has been secured for the work to be executed in 2024.

In addition, financing for a plan to bury a power line that runs alongside the site and presents safety issues has been included in the 2024–2033 10-year capital works program.

### Nuisances in the vicinity of the Clos des Carrières

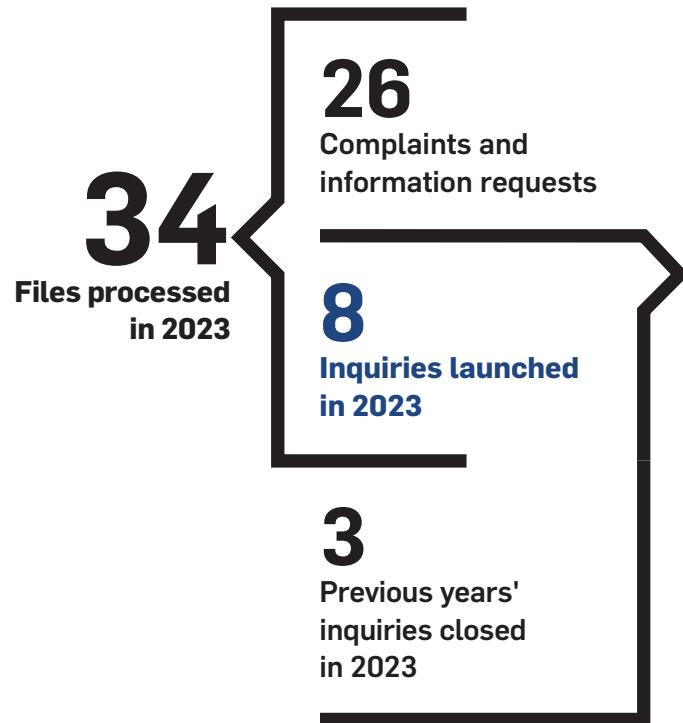
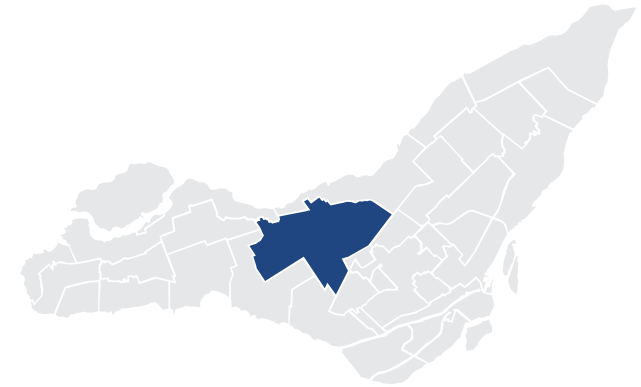
For several years, residents living adjacent to the Clos des Carrières had complained about nuisances linked to municipal operations at the site. They felt it should be relocated or that the City should institute noise-abatement measures. Our long-term inquiry, initiated in 2019, allowed us to open communications channels with all of the City entities involved, so that we could understand the context, identify solutions and work to build greater harmony between site operations and area residents' quality of life.

The site has been operated by various municipal entities for nearly a century. It is home to the borough's street maintenance, public works, lighting, signage and road-marking teams, along with mechanical shops, a gas station, a truck-cleaning station, parking spaces for Agence de mobilité durable vehicles and warehouses. This co-existence places restrictions on the available space for work and traffic, which contributes to the nuisances.

In 2021, a decisive step was reached: the City's Service de la gestion et de la planification des immeubles (property management and planning department) initiated a project to reconfigure the layout of the Clos. As that long-term project involved multiple processes, we agreed to monitor them during 2022 to verify that progress was being made. The various entities involved also made commitments to implement further mitigation measures.

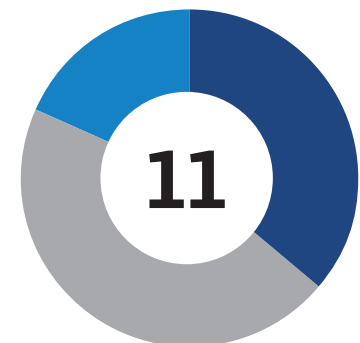
Our monitoring has confirmed that the reconfiguration project is progressing and that the required budgets have been validated and allocated. Major work to demolish and reconstruct buildings, relocate operations, provide soundproofing and green the site will be undertaken to enable improved organization of operations at the Clos and ongoing efforts to reduce noise pollution. Moreover, we obtained confirmation that the backup alarms on all of the borough's in-service vehicles have been modified and that those on new vehicles and those on order will be replaced, and that the doors of the shop located in the Clos are closed during noisy mechanical work. We have also noted that the complaints process implemented has proved successful and has led to better follow-up.

# Arrondissement de Saint-Laurent



### Topics of inquiries launched in 2023

|   |   |
|---|---|
| Tree .....  | 2 |
| Parking and pick-up/drop-off areas .....          | 2 |
| Public works .....                                | 2 |
| Claims for material damage or bodily injury ..... | 1 |
| City services: courtesy and politeness .....      | 1 |



- Complaints founded: 4
- Complaints ill-founded: 5
- Pending: 2

Average processing time of inquiries: 75 days

### EXAMPLE OF INQUIRY CLOSED IN 2023

#### How to quiet a neighbour's excessively noisy heat pump

Since November 2021, a resident had unsuccessfully complained to the borough about excessive noise from her neighbour's heat pump.

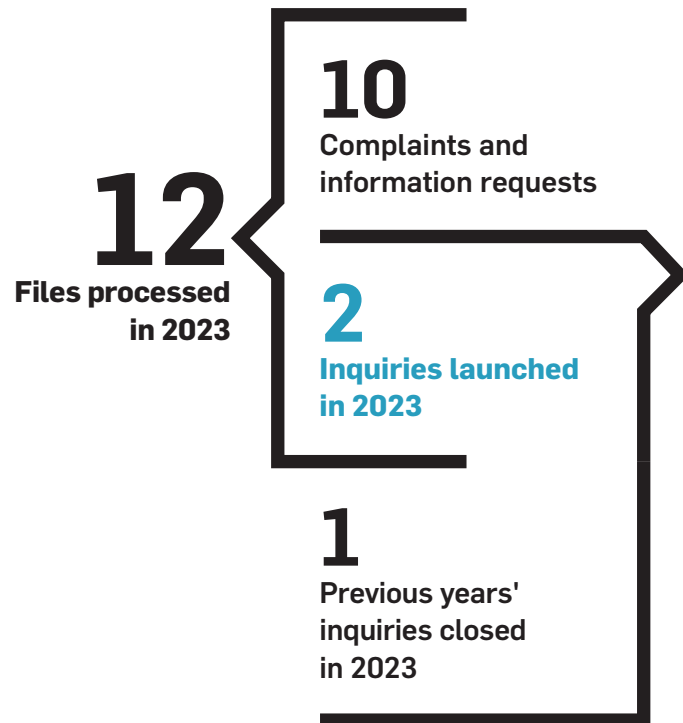
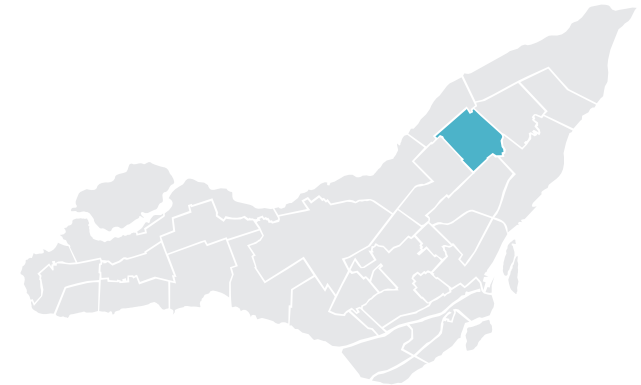
Early in our inquiry, a new inspector was assigned to the file and, at our suggestion, he tasked a specialized firm with conducting a noise impact study. The expert report concluded that the summertime noise limits stipulated in the relevant by-law were being exceeded. Maintenance work was done on the heat pump, but the noise pollution persisted. We subsequently learned that the expert report in question was incomplete and did not justify the issuing of a statement of offence, since the noise levels had not been measured over a long enough period.

The borough proposed that new, continuous noise-level measurements be taken the following summer. We visited the premises in November 2022 and noted that the noise from the heat pump was clearly audible from outside.

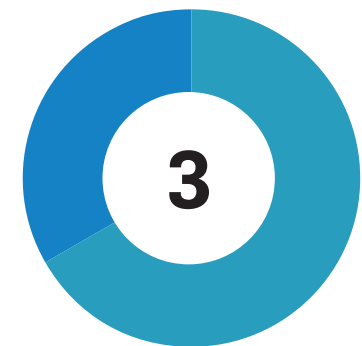
We insisted that the borough proceed as quickly as possible, i.e., during the winter, which had already begun. New measures were taken, resulting in five statements of offence being issued to the owner. A default decision was handed down in January 2023 on these statements.

The neighbouring building was vacated and put up for sale, but the heat pump continued to run intermittently. The inspector contacted the owner's representative, the pump was shut down, and the resident who complained in 2021 is now no longer inconvenienced by the noise.

# Arrondissement de Saint-Léonard



| Topics of Inquiries launched in 2023 |   |
|--------------------------------------|---|
| Nuisances .....                      | 2 |



Complaints founded: 2  
Pending: 1

Average processing time of inquiries: 119 days

## EXAMPLE OF INQUIRY CLOSED IN 2023

### Rear yard of a business clean

A resident complained that the measures implemented in the wake of our intervention relative to an earlier complaint of his, which sought to improve the cleanliness of the rear yard of a business on boulevard Lacordaire, near his house, had been applied neither fully nor correctly. In his opinion, the situation had worsened.

The measures previously implemented by the business owner in question were as follows:

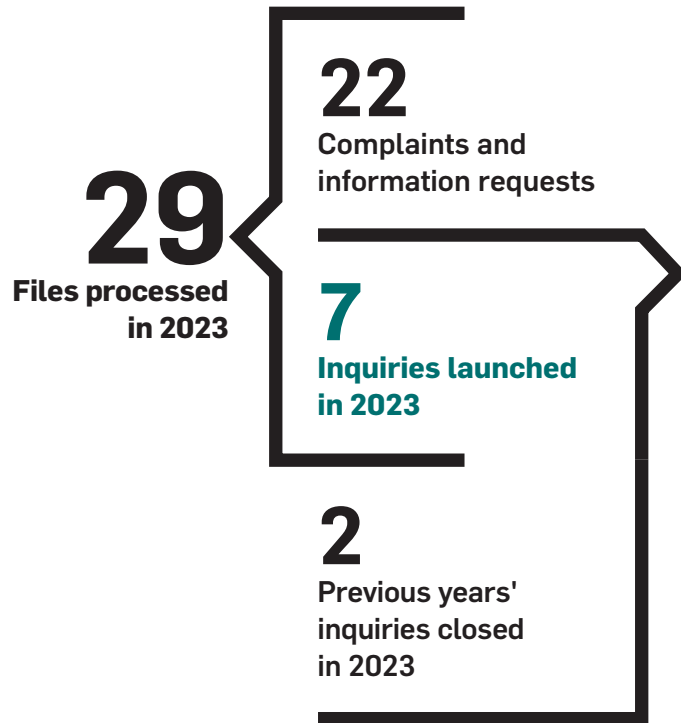
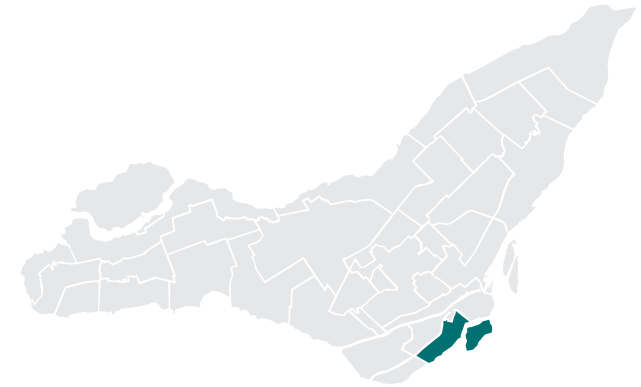
- extension of a fence along the rear yard by 6 feet, all the way to a streetlamp;
- installation of a corner screen to hide a waste container.

The resident sent us photos showing the broken fence and a waste container that was not hidden by either a screen or the fence in question.

After an inspection and discussions with the business owner— who proved to be quite co-operative—the borough confirmed, with supporting photos, that the fence repair work had been carried out and the waste container was no longer visible from the street.

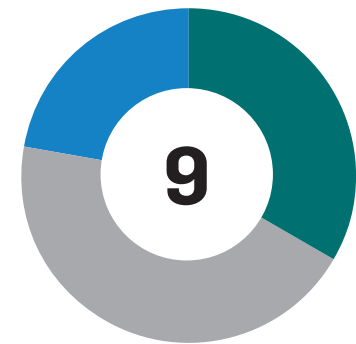
Our observations indicate that proper corrective action was diligently taken and that the rear yard is now compliant and no longer a nuisance to the resident.

# Arrondissement de Verdun



### Topics of inquiries launched in 2023

|   |   |
|---|---|
| Other permits .....                                       | 2 |
| Transformation, construction and demolition permits ..... | 2 |
| Safety .....  | 2 |
| Unhoused people and social coexistence .....              | 1 |



- Complaints founded: 3
- Complaints ill-founded: 4
- Pending: 2

Average processing time of inquiries: 106 days

## EXAMPLE OF INQUIRY CLOSED IN 2023

### Biodiversity and Phragmites don't make for good neighbours

A resident complained about the lack of maintenance of the municipal lot behind his property: there were tall, invasive weeds, dead trees, vines choking trees and covering electrical wires, debris and all manner of waste. He requested that the borough maintain the lot as it does in the case of public property elsewhere within its territory.

The land in question is part of a naturalized zone subject to differentiated management. While this does not exempt the borough from properly maintaining it, the designation, by definition, precludes the mowing that the resident wanted done.

Our site visits confirmed the citizen's observations.

We learned that the space had been colonized by the common reed (*Phragmites australis*). This is an invasive exotic plant that, among other

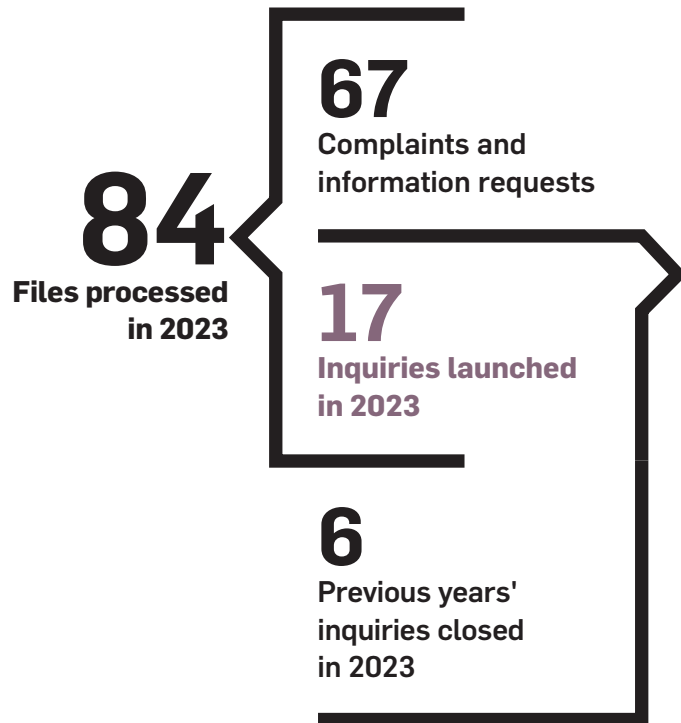
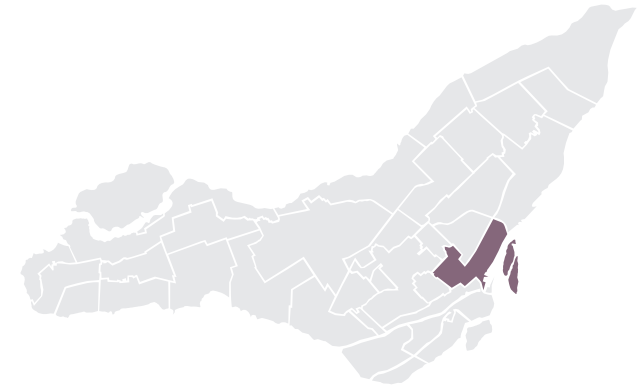
things, can impair biodiversity, create fire hazards and cause major nuisances for neighbourhood residents.

During summer 2023, the borough horticulture team acted on several occasions to improve the lot's cleanliness and vegetation. We now consider the site to be in an acceptable condition, given the context.

We asked the borough to draw up a specific annual maintenance plan for the lot, including measures to deal with the reed invasion. Heeding the recommendations of Nature-Action Québec, the organization tasked with characterizing the site, the borough developed a comprehensive plan. It has committed to maintaining a 3-metre clean corridor, to control vegetation and to cutting down the reed colony once a year, in the fall.

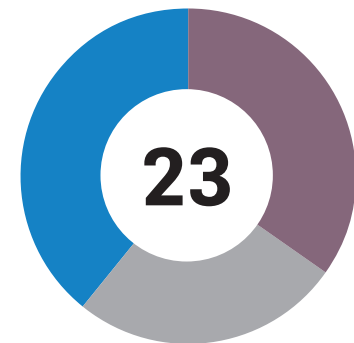
We will follow up on the borough's commitments in 2024.

# Arrondissement de Ville-Marie



### Topics of inquiries launched in 2023

|  |   |
|--|---|
| Nuisances .....  | 8 |
| Safety .....   | 3 |
| Transformation, construction and demolition permits .....  | 2 |
| Public works .....   | 2 |
| Culture .....  | 1 |
| Public property: occupancy and commercial activities ..... | 1 |



- Complaints founded: 8
- Complaints ill-founded: 6
- Pending: 9

Average processing time of inquiries: 135 days

### EXAMPLE OF INQUIRY CLOSED IN 2023

#### Noise from a bar and co-existence of commercial and residential uses

The complainants are long-time residents of a building on rue Sainte-Catherine Est. The problem began when the ophthalmology clinic across the street closed and a bar opened in its place. In spite of repeated noise complaints made to the 311 phone service, including to report that music was being played outside, the problem persisted.

Section 9 of the borough's *Règlement sur le bruit* specifically prohibits noise from an audio device that can be heard from outside, regardless of whether the device is located inside or outside a building.

Ahead of our inquiry, and especially during it, the borough conducted some 30 inspections, several of which resulted in statements of offence for violations of Section 9.

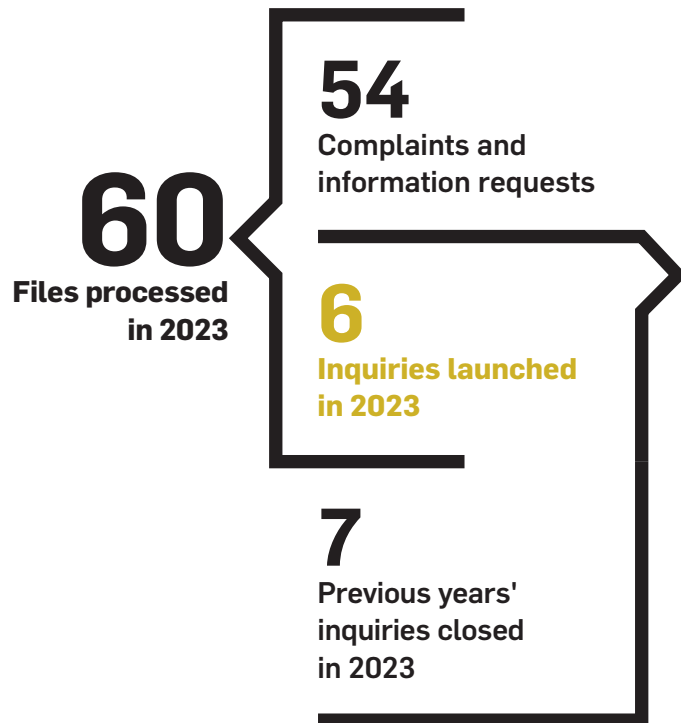
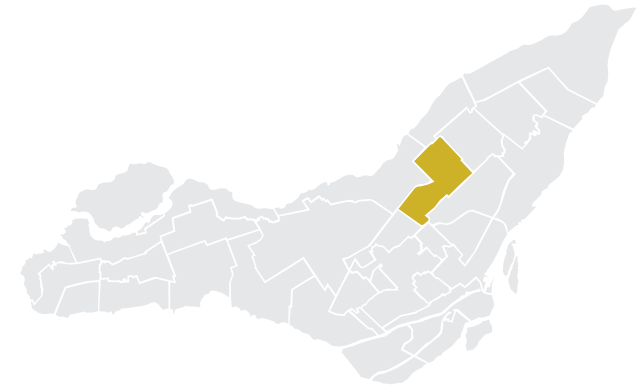
From the start, the solution proposed by all stakeholders was to install a sound-lock door system, but the bar management was slow to proceed, which had consequences.

Three municipal court decisions confirmed that the bar had violated the above-mentioned by-law provision and ordered the management to pay a total of \$4,500 in fines, plus costs.

The Régie des alcools, des courses et des jeux (RACJ) tribunal, following a notice from the police department, ordered the bar's licence to be suspended for four days and fined the management \$3,000.

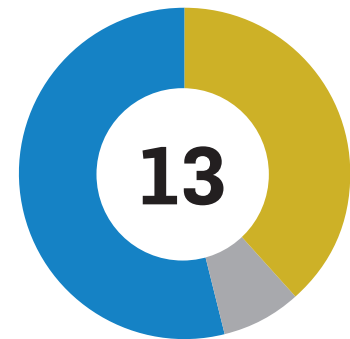
The bar manager has secured the permit to install the sound-lock system. As of this writing, the works were finally performed.

# Arrondissement de Villeray–Saint-Michel–Parc-Extension



**Topics of inquiries launched in 2023**

|  |   |
|--|---|
| Parking and pick-up/drop-off areas                   | 3 |
| Fences, hedges, driveway entrances and others        | 1 |
| Safety   | 1 |
| City services: communications, procedures and delays | 1 |



- Complaints founded: 5
- Complaint ill-founded: 1
- Pending: 7

Average processing time of inquiries: 158 days

## EXAMPLE OF INQUIRY CLOSED IN 2023

### Citizen awarded on-street parking space for people with disabilities

The borough refused to grant a resident a reserved parking space for people with disabilities, on the grounds that he already had a private driveway. The resident, however, maintained that the driveway was dangerous, as it was very narrow and on a very steep incline.

Our inquiry found that two nearby residents were in a similar situation (they had access to a private parking space) and had obtained a reserved on-street space. In view of these elements, the borough's decision appeared to us to be unfair and raised questions as to consistency of decision-making. We also took into account the fact that the resident, in addition to having to cope with his own permanent constraints, was a caregiver to his two elderly parents, who live in the

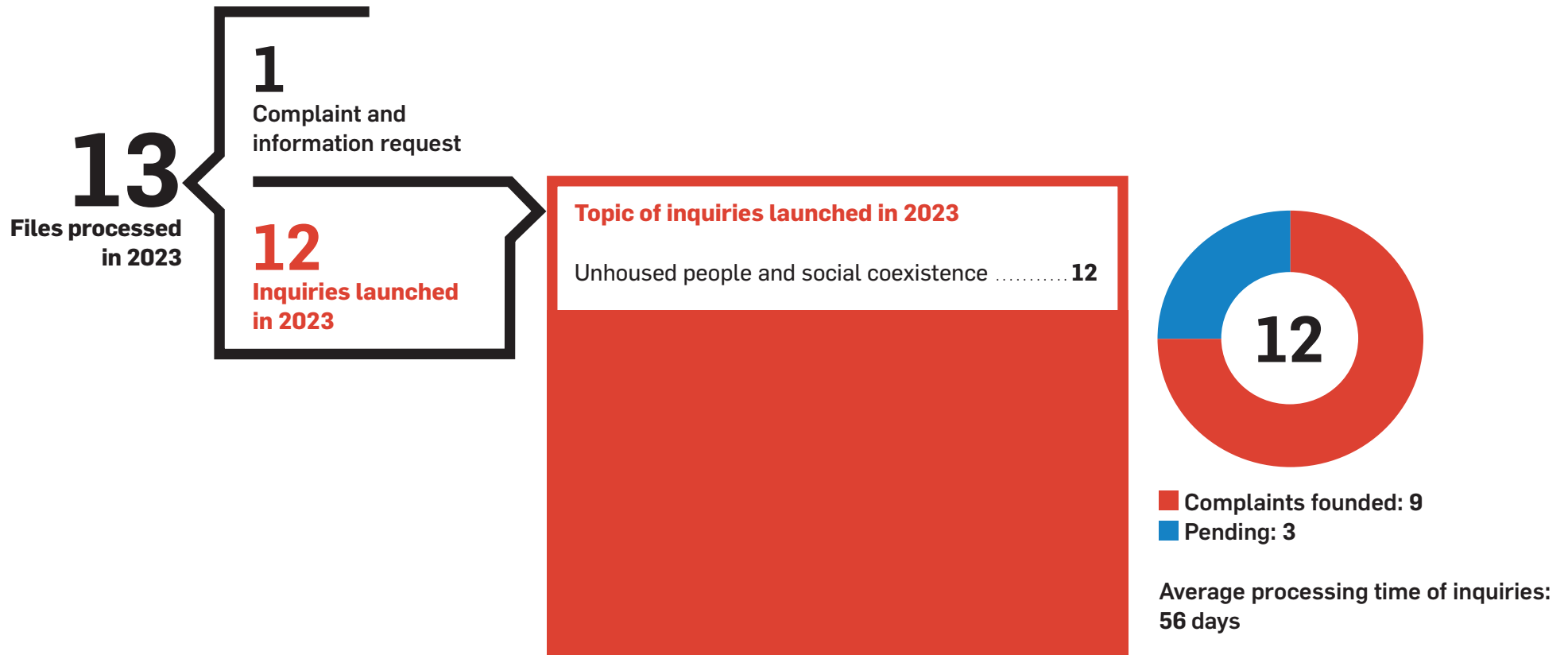
same building and who, for health reasons, needed his support, notably to get around.

We had several discussions with the borough, which eventually agreed to reverse its decision and grant the resident the parking space for persons with disabilities. The citizen is very pleased and relieved at the outcome of the matter.

In addition, based on some of the findings of our inquiry, the borough has undertaken to improve its request-processing procedure, which will now include the use of a short form to gather certain information right from the start. It has also committed to revise its decision-support flowchart and adopt a policy for granting on-street parking spaces and pick-up/drop-off areas for people with disabilities. We will be following up on these items.

## Central Departments

### Direction générale



#### EXAMPLE OF INQUIRY CLOSED IN 2023

##### Milton-Parc: between exasperation and despair (cont'd)

Since 2021, the OdM has been addressing the issue of social co-existence and homelessness people in the Milton-Parc neighbourhood. In May 2022, we published the investigation report *Don't Look the Other Way*, in which we spoke of "a humanitarian crisis at the very heart of our city." We made five recommendations, regarding the implementation of a permanent shelter resource, upgrades to the financing method for community organizations, a preventive approach to homelessness, public participation, and improvements to concerted action, both internally and with partners.

During 2023, we conducted quarterly follow-ups on the implementation of these recommendations.

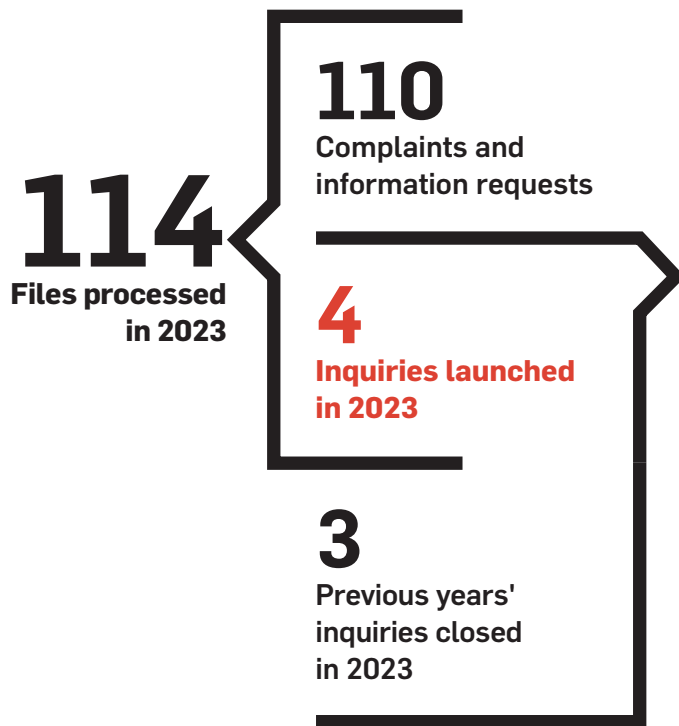
On the ground, there has been no significant change in the situation and residents are not seeing the desired improvements. A number of developments, however, do provide hope for the future:

- Bridges have been built between the City and its government partners for concerted action on homelessness.
- A project addressing the crucial issue of accommodation resources for people arriving from Northern Québec is being implemented.
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- There are many other measures and resources directly or indirectly related to the City's action on homelessness.
- Inuit community health clinics are being rolled out.

Much work remains to be done, and we will be monitoring this issue again in 2024. That said, we think it is fair to conclude that, although the battle is far from won, the City is not looking the other way.

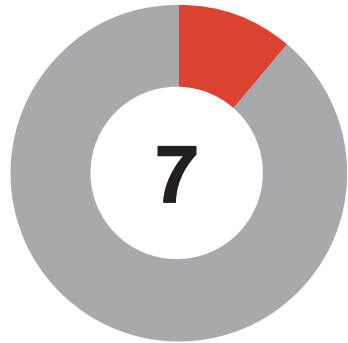


# Service des affaires juridiques Bureau des réclamations



**Topics of inquiries launched in 2023**

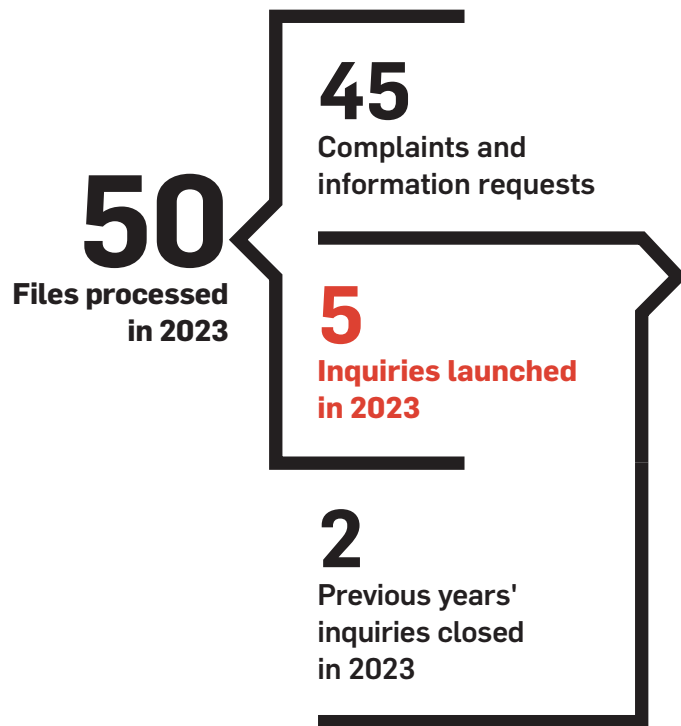
|   |   |
|---|---|
| Claims for material damage or bodily injury .....                         | 2 |
| City services: communications, behaviour, procedures and timeframes ..... | 2 |



■ Complaint founded: 1  
■ Complaints ill-founded: 6

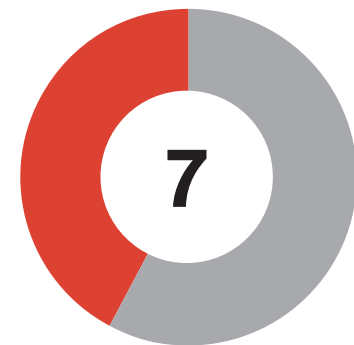
Average processing time of inquiries:  
53 days

# Service des affaires juridiques Cour municipale



### Topics of inquiries launched in 2023

|  |   |
|--|---|
| Municipal court: fees and collection .....                                   | 2 |
| Access to information .....  | 1 |
| Municipal court: decisions .....   | 1 |
| City services: communications, behaviour,<br>procedures and timeframes ..... | 1 |



■ Complaints founded: 3  
■ Complaints ill-founded: 4

Average processing time of inquiries:  
**93 days**

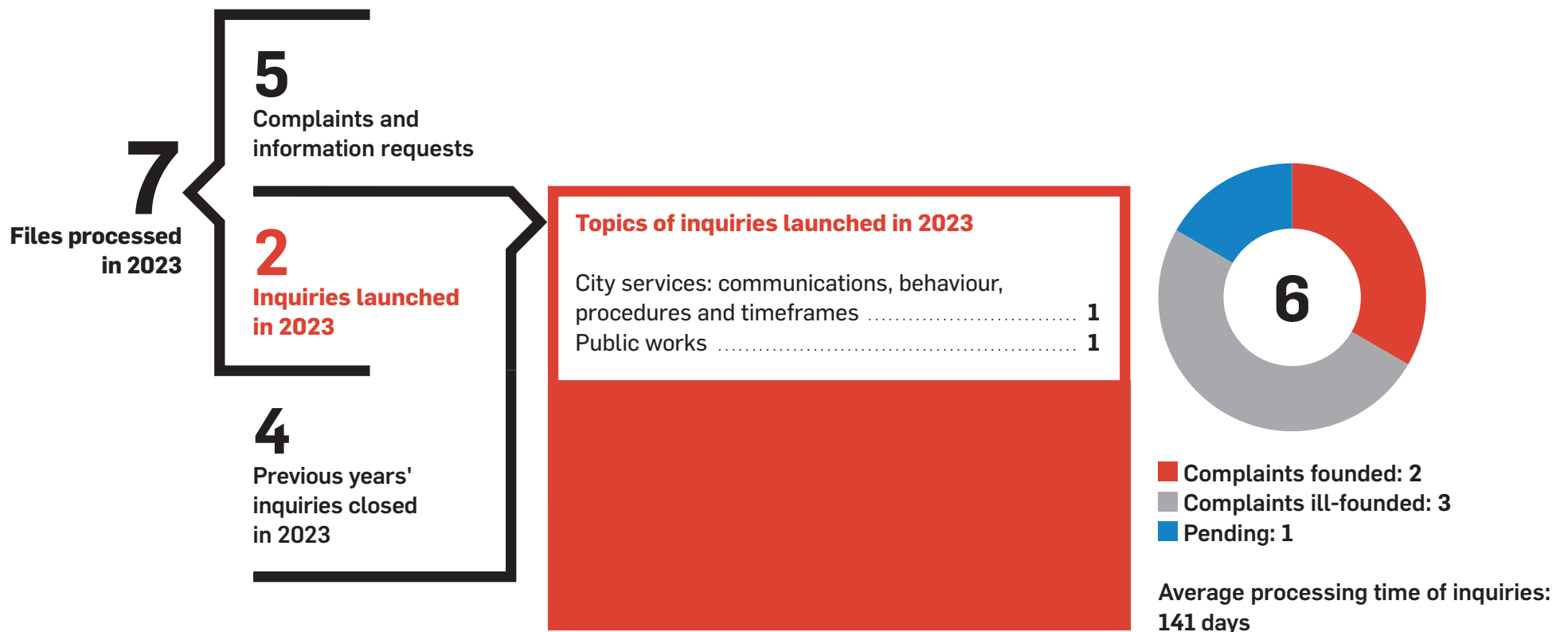
### EXAMPLE OF INQUIRY CLOSED IN 2023

#### Introduction of evidence in support of a plea of not guilty

We conducted an investigation, on our own initiative, into the importance of improving and enhancing explanations provided to citizens about the process for filing evidence in support of a plea of not guilty. This investigation also focused on the need to make people aware of the importance of retaining their pieces of evidence,

regardless of whether they had submitted them prior to the hearing. Our intervention resulted in changes to several documents sent to citizens during the penal process. We also made comments on the pages of the [Montreal.ca](http://Montreal.ca) website.

# Service de la concertation des arrondissements



## EXAMPLE OF INQUIRY CLOSED IN 2023

### An inclusive city, no matter the season

In 2022, two organizations asked us to take action regarding shortcomings in snow removal. Specifically, pick-up/drop-off areas for people with reduced mobility were often not cleared until several days after a snowfall, contributing to these citizens' isolation. They also had to cope with inadequately cleared sidewalks and intersections, which further limited their mobility.

The OdM conducted an extensive systemic investigation of City of Montréal entities, including the Service de la concertation avec les arrondissements, the 19 boroughs and the Service de la diversité et de l'inclusion sociale.

In the summer of 2023, we sent these entities an investigation report titled Montréal: inclusive été comme hiver, in which we made three recommendations based on the Montréal Charter of Rights and Responsibilities. They concerned improvements to snow removal at pick-up/drop-off areas and sidewalk corners, improvements to the

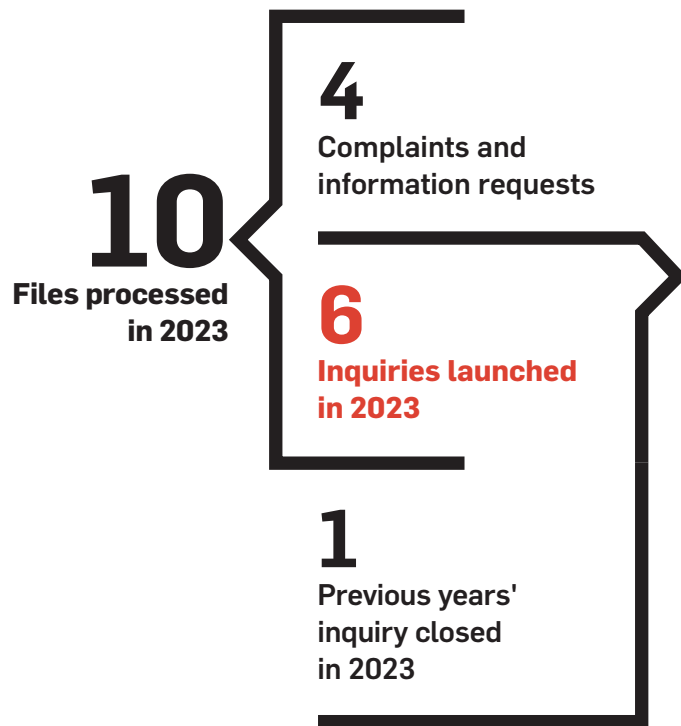
processing of requests made to 311, and governance on universal accessibility.

As of year-end 2023, discussions were still ongoing.

Since then, the City has accepted our recommendations and pledged to make structural changes, some of them never before implemented, so as to improve snow clearing of pick-up/drop-off areas:

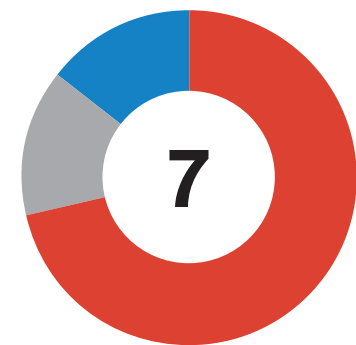
- Pick-up/drop-off areas will be continually cleared once snow accumulation reaches 5 cm;
- There will be a single team dedicated to snow clearing of pick-up/drop-off areas throughout Montréal;
- Pick-up/drop-off areas will be upgraded to comply with standard dimensions and make snow removal easier;
- New training will be developed and given to operators, 311 agents and managers.

# Service de l'urbanisme et de la mobilité



**Topics of inquiries launched in 2023**

|                               |          |
|-------------------------------|----------|
| Safety .....                  | <b>3</b> |
| Bicycle paths and lanes ..... | <b>2</b> |
| Public works .....            | <b>1</b> |



- Complaints founded: 5
- Complaint ill-founded: 1
- Pending: 1

Average processing time of inquiries: 94 days

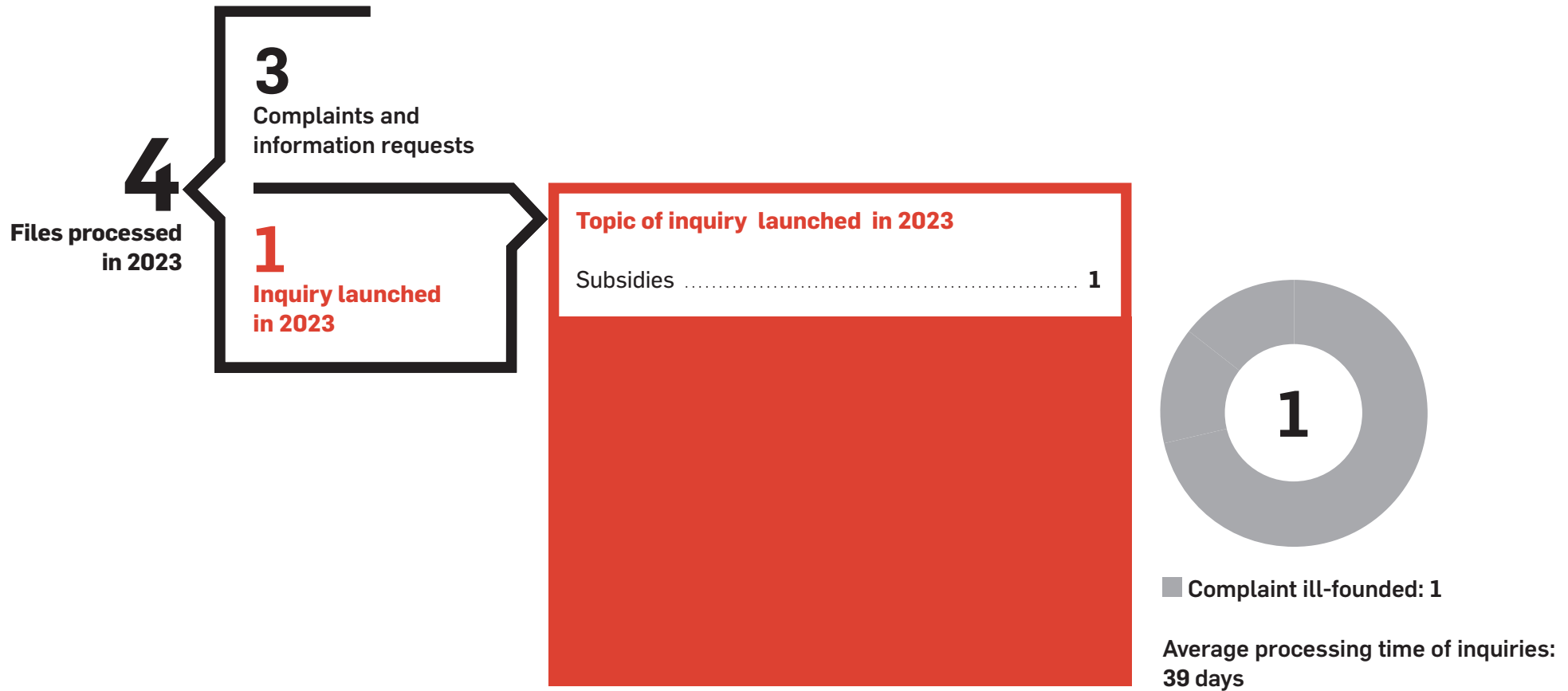
## EXAMPLE OF INQUIRY CLOSED IN 2023

### Christophe-Colomb bicycle paths

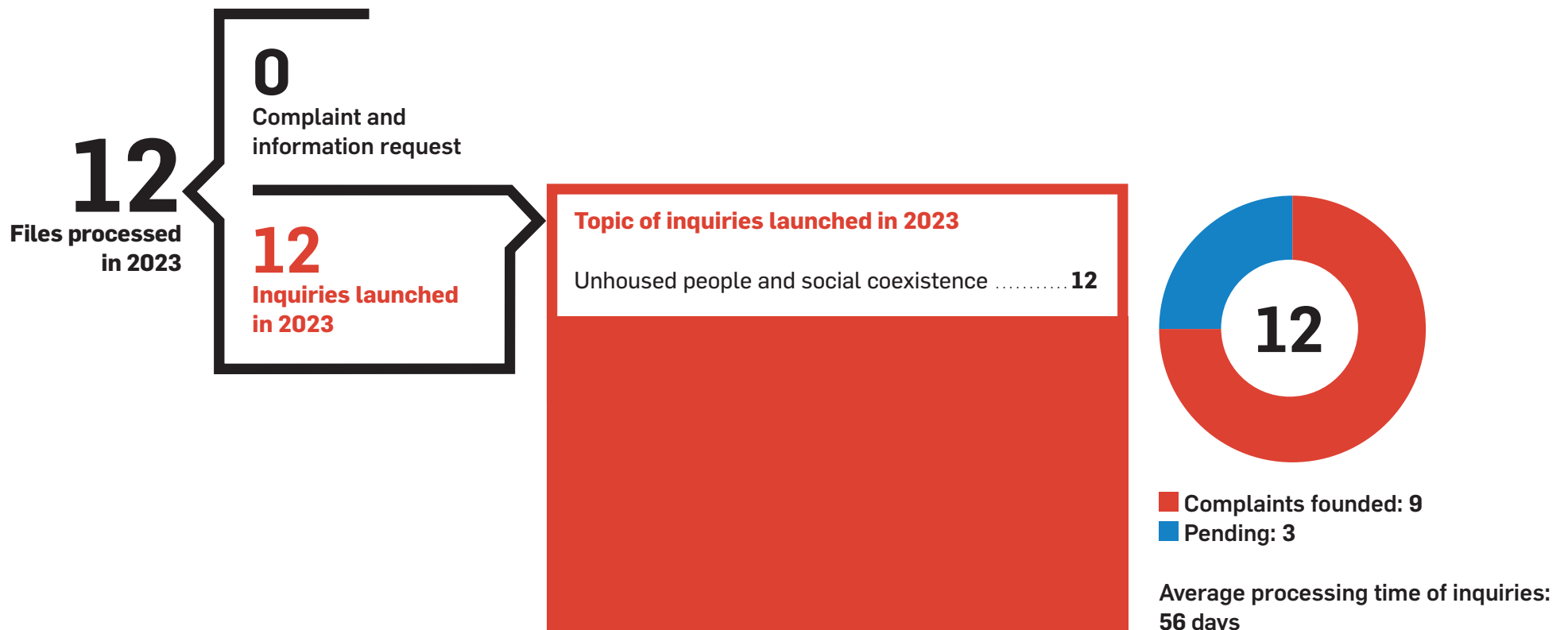
As part of the planned implementation of bicycle lanes on avenue Christophe-Colomb in 2023 and 2024, we have been verifying compliance with the recommendations we made in the report on urban developments carried out in the summer of 2020, *Mobilité pour tous à Montréal en temps de crise et après*.

The Service de l'urbanisme et de la mobilité has been complying with most of the recommendations, but we have intervened on issues involving accessibility (reserved parking spaces and pick-up/drop-off areas for people with reduced mobility), the sharing of information, involvement by the boroughs (notably with respect to the impacts on management of waste collection) and the safety of the urban design (collaboration with the Service de sécurité incendie de Montréal).

# Service du développement économique



## Service de la diversité et de l'inclusion sociale



### EXAMPLE OF INQUIRY CLOSED IN 2023

#### Milton-Parc: between exasperation and despair (cont'd)

Since 2021, the OdM has been addressing the issue of social co-existence and homelessness people in the Milton-Parc neighbourhood. In May 2022, we published the investigation report *Don't Look the Other Way*, in which we spoke of "a humanitarian crisis at the very heart of our city." We made five recommendations, regarding the implementation of a permanent shelter resource, upgrades to the financing method for community organizations, a preventive approach to homelessness, public participation, and improvements to concerted action, both internally and with partners.

During 2023, we conducted quarterly follow-ups on the implementation of these recommendations.

On the ground, there has been no significant change in the situation and residents are not seeing the desired improvements. A number of developments, however, do provide hope for the future:

- Bridges have been built between the City and its government partners for concerted action on homelessness.
- A project addressing the crucial issue of accommodation resources for people arriving from Northern Québec is being implemented.
- A permanent shelter resource is practically a reality.
- There are many other measures and resources directly or indirectly related to the City's action on homelessness.
- Inuit community health clinics are being rolled out.

Much work remains to be done, and we will be monitoring this issue again in 2024. That said, we think it is fair to conclude that, although the battle is far from won, the City is not looking the other way.

## Service de la culture

**6**  
Files processed in 2023

**6**  
Complaints and information requests

**0**  
Inquiry launched in 2023

## Service de l'eau

**26**  
Files processed in 2023

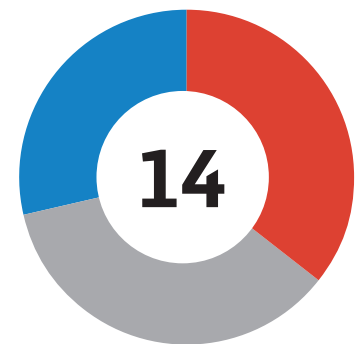
**16**  
Complaints and information requests

**10**  
Inquiries launched in 2023

**4**  
Previous years' inquiries closed in 2023

### Topics of inquiries launched in 2023

|                             |          |
|-----------------------------|----------|
| Public works: aqueduc ..... | <b>9</b> |
| Taxes .....                 | <b>1</b> |



■ Complaints founded: 5  
■ Complaints ill-founded: 5  
■ Pending: 4

Average processing time of inquiries: **84 days**

### EXAMPLE OF INQUIRY CLOSED IN 2023

#### Citizens reimbursed more than \$60,000

A major City program is under way to replace lead water intakes. Pursuant to that program, work was done on one particular street, and one resident affected by it contacted us after he received an invoice from the City. He challenged the length of pipe that had been replaced.

Our inquiry revealed that the City had submitted incorrect information to the contractor tasked with the work. According to that information, the property line (the boundary between the resident's property and public land) was at the sidewalk, when in fact it was 2.7 metres from the sidewalk, toward the residential building.

Since the invoice was based on the length of replaced pipe starting from the property line, this was a significant error: the resident had been billed for a 2.4-metre length of pipe when the entire replaced length was on public land. His bill, in the amount of \$2,700.47, was therefore cancelled.

Following this inquiry, we requested that all of the invoices for the street in question be reviewed.

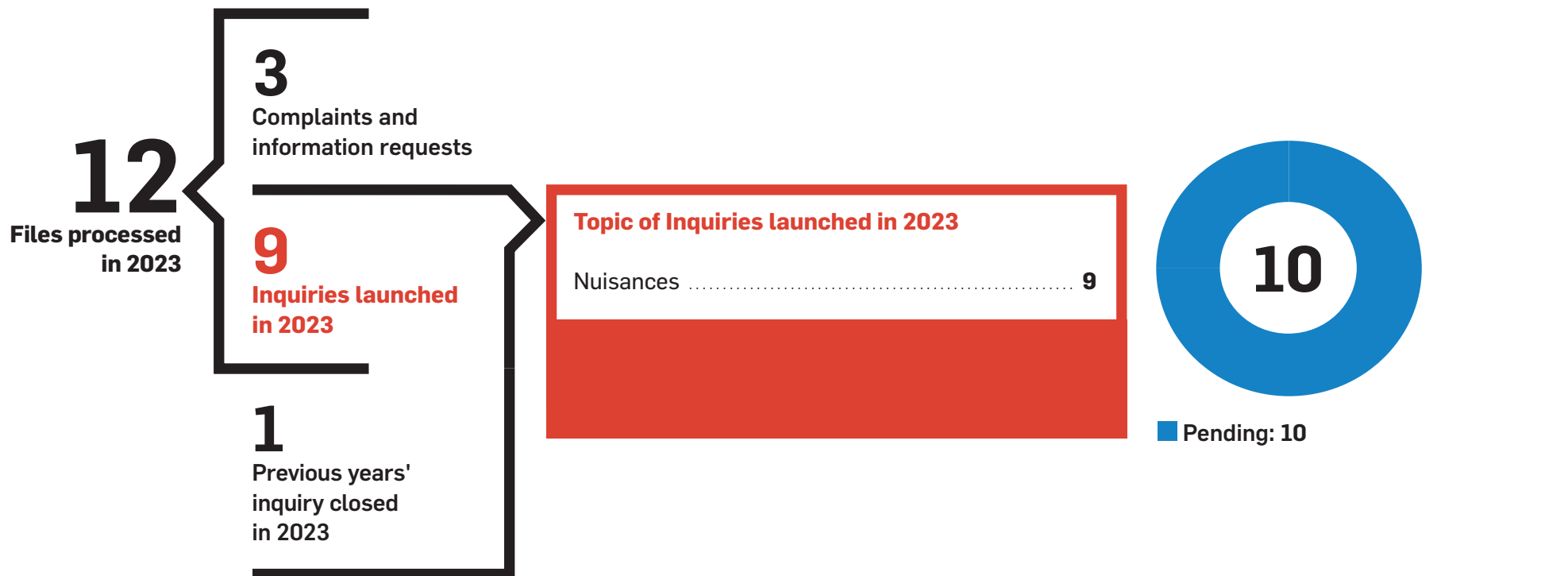
Thanks to our action, 20 invoices were revised downward or cancelled outright, for a total of more than \$60,000 in overbilling.



## Service de l'évaluation foncière



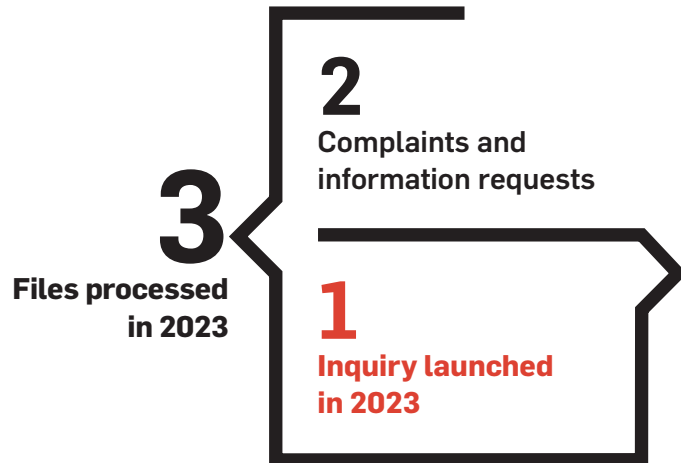
## Service de l'environnement



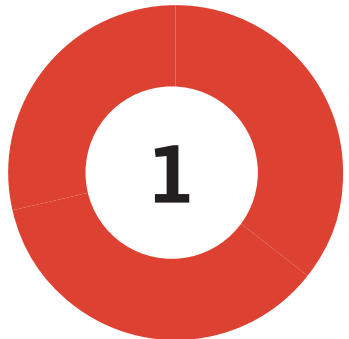




## Service de l'expérience citoyenne et des communications



| Topic of inquiry launched in 2023 |   |
|-----------------------------------|---|
| Bicycle paths and lanes .....     | 1 |



Complaint founded: 1

Average processing time of inquiries: 8 days

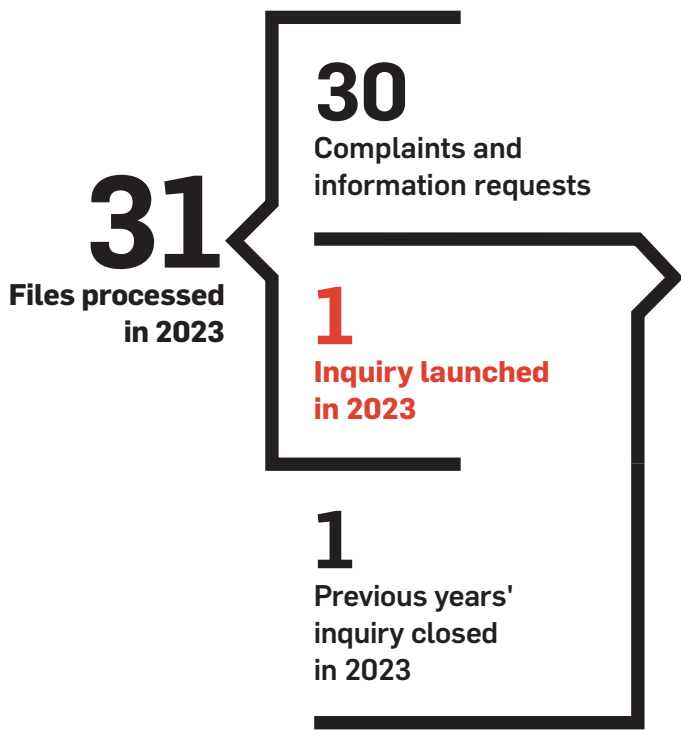
### EXAMPLE OF INQUIRY CLOSED IN 2023

#### Bicycle lane development is compliant with our recommendations made in 2020

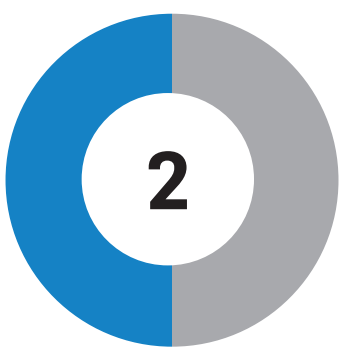
As part of the planned implementation of bicycle lanes on avenue Christophe-Colomb in 2023 and 2024, we have been verifying compliance with the recommendations we made in the report on

urban developments carried out in the summer of 2020, *Mobilité pour tous à Montréal en temps de crise et après*. The Service de l'expérience citoyenne et des communications has been complying with the recommendations on citizen information, communication and participation.

## Service des finances



| Topic of inquiry launched in 2023 |   |
|-----------------------------------|---|
| Taxes .....                       | 1 |

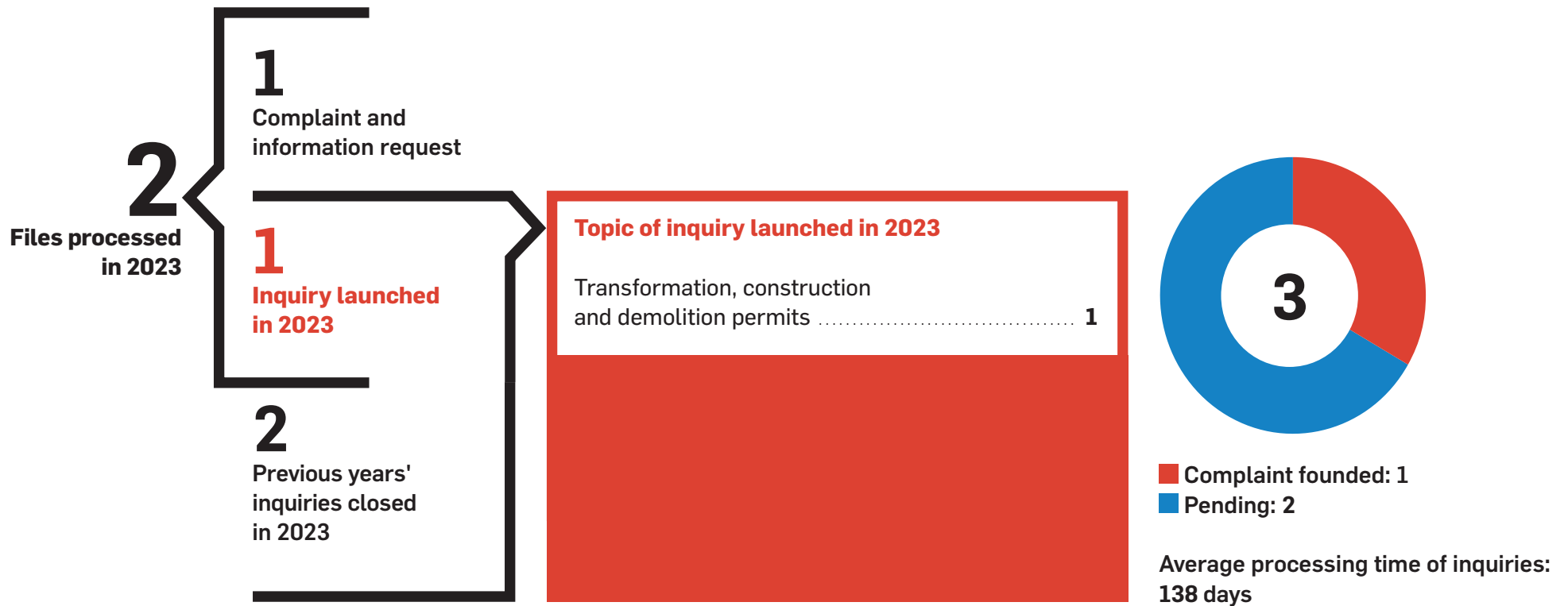


Complaint ill-founded: 1

Pending: 1

Average processing time of inquiries: 19 days

# Service de la gestion et de la planification des immeubles



## EXAMPLE OF INQUIRY CLOSED IN 2023

### Nuisances in the vicinity of the Clos des Carrières

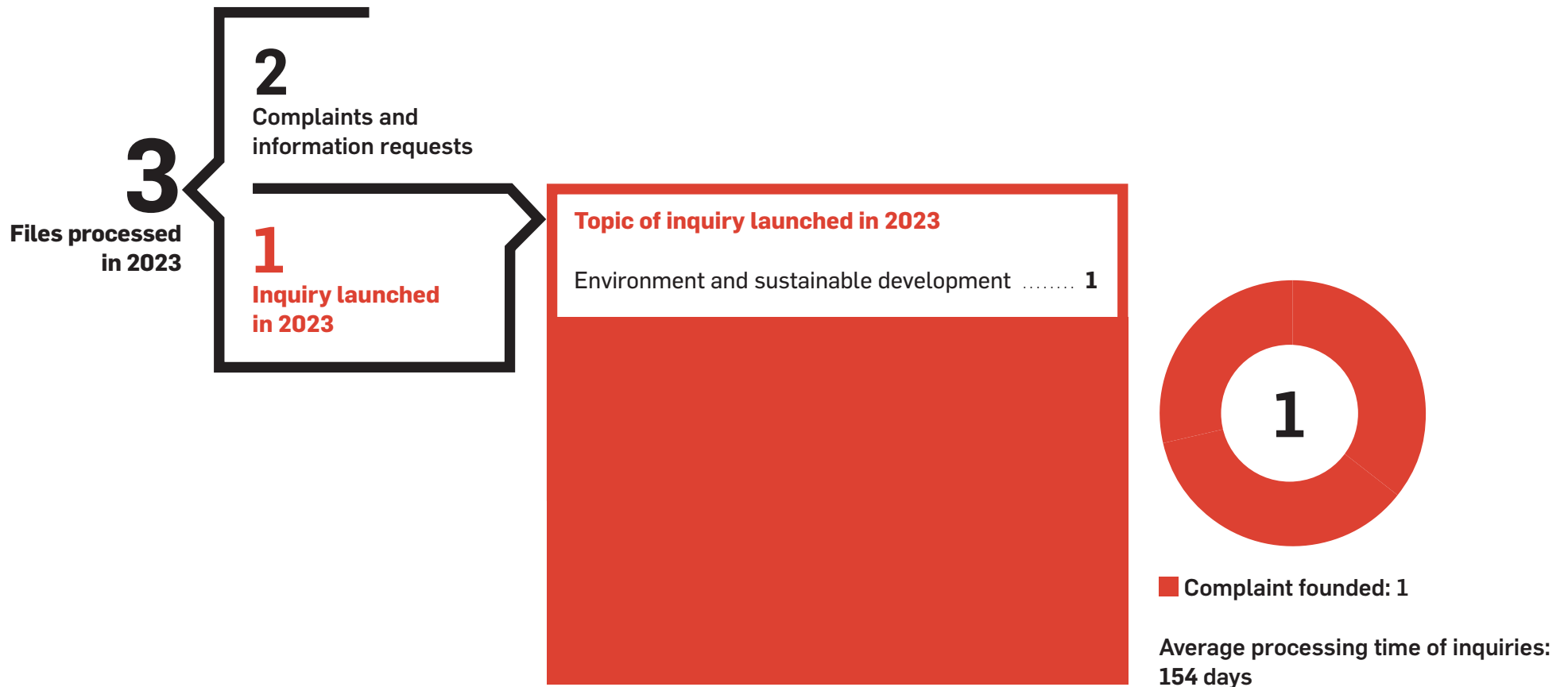
For several years, residents living adjacent to the Clos des Carrières had complained about nuisances linked to municipal operations at the site. They felt it should be relocated or that the City should institute noise-abatement measures. Our long-term inquiry, initiated in 2019, allowed us to open communications channels with all of the City entities involved, so that we could understand the context, identify solutions and work to build greater harmony between site operations and area residents' quality of life.

The site has been operated by various municipal entities for nearly a century. It is home to the borough's street maintenance, public works, lighting, signage and road-marking teams, along with mechanical shops, a gas station, a truck-cleaning station, parking spaces for Agence de mobilité durable vehicles and warehouses. This co-existence places restrictions on the available space for work and traffic, which contributes to the nuisances.

In 2021, a decisive step was reached: the City's Service de la gestion et de la planification des immeubles (property management and planning department) initiated a project to reconfigure the layout of the Clos. As that long-term project involved multiple processes, we agreed to monitor them during 2022 to verify that progress was being made. The various entities involved also made commitments to implement further mitigation measures.

Our monitoring has confirmed that the reconfiguration project is progressing and that the required budgets have been validated and allocated. Major work to demolish and reconstruct buildings, relocate operations, provide soundproofing and green the site will be undertaken to enable improved organization of operations at the Clos and ongoing efforts to reduce noise pollution. Moreover, we obtained confirmation that the backup alarms on all of the borough's in-service vehicles have been modified and that those on new vehicles and those on order will be replaced, and that the doors of the shop located in the Clos are closed during noisy mechanical work. We have also noted that the complaints process implemented has proved successful and has led to better follow-up.

# Service des grands parcs, du Mont-Royal et des sports



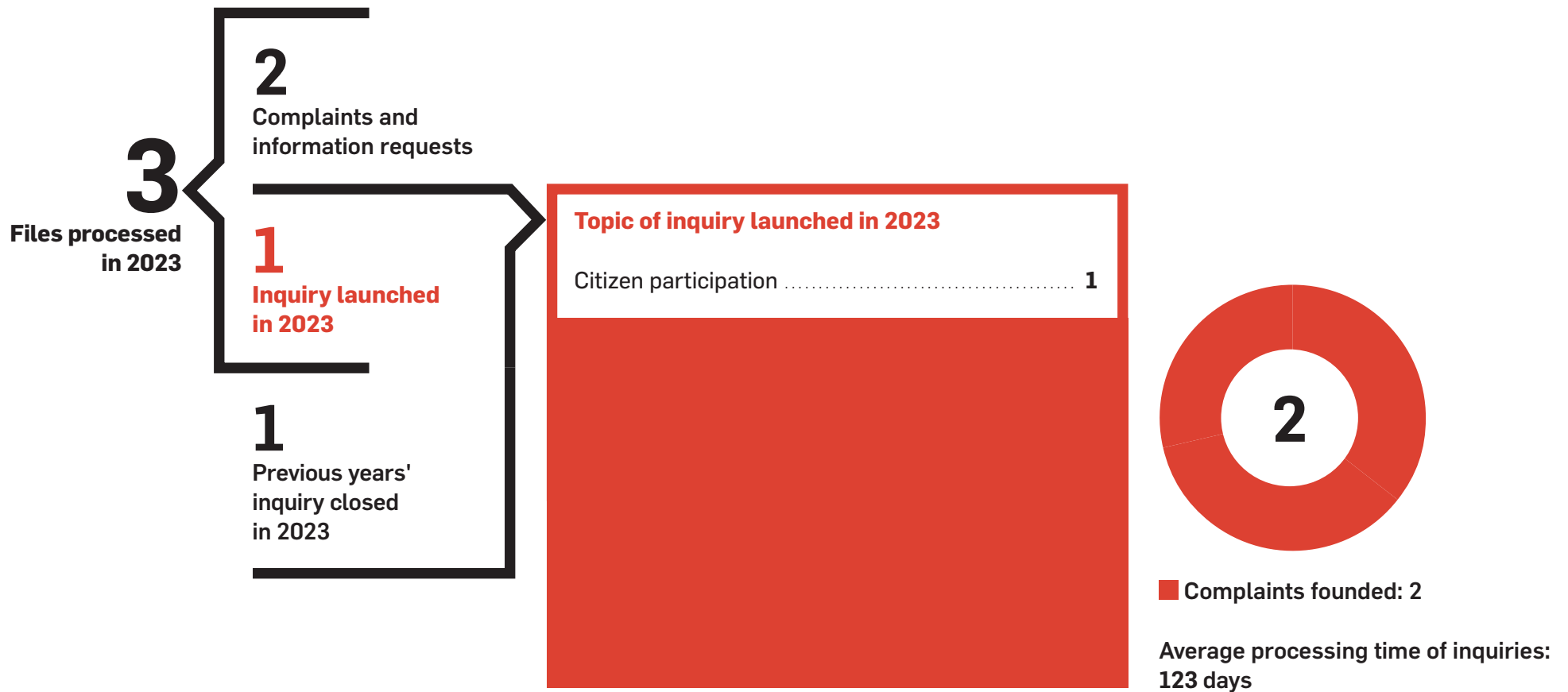
## EXAMPLE OF INQUIRY CLOSED IN 2023

### Japanese knotweed

The Service des grands parcs, du Mont-Royal et des sports had committed to developing a three-pronged plan for control, collaboration and support in combating invasive exotic plant species including Japanese knotweed. Our observations show that this

entity has assumed responsibility for the file and is acting to meet its commitments, which will extend over several years. As a result, we will be following up in the fall of 2024 to assess the situation and the progress made.

## Service du greffe



### EXAMPLE OF INQUIRY CLOSED IN 2023

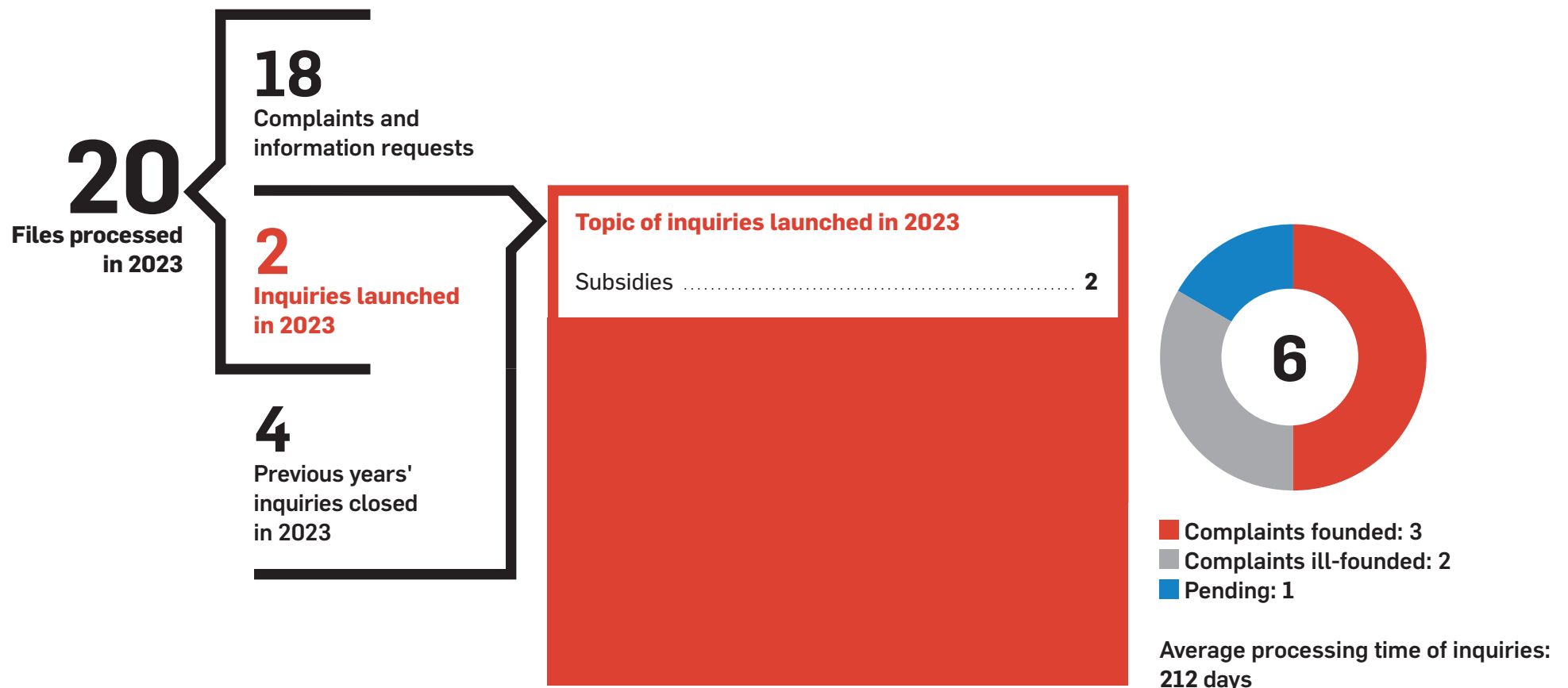
#### Clarifying the administrative procedures for public consultations

A resident complained about the November 2022 rejection by the borough of her request for a public consultation under the “right of initiative,” relative to the bicycle lanes on rue Clark.

The borough of Le Plateau-Mont-Royal had rejected the request for a public consultation under the right of initiative on incorrect grounds. The request should have been forwarded to the central city, not rejected. Our intervention enabled these procedures to be clarified.

On our request, at a meeting of all borough secretaries, a reminder was issued about the importance of notifying the Service du greffe de la Ville de Montréal team before ruling on the admissibility of a draft petition in situations involving a matter of governance that raises certain questions. This will prevent situations like the one experienced by the complainant.

## Service de l'habitation



### EXAMPLE OF INQUIRY CLOSED IN 2023

#### Good news for the *Programme d'adaptation de domicile de Montréal*

The *Programme d'adaptation de domicile de Montréal* (PADM) is a subsidy program for people with disabilities who need to have work done to improve access to their home, get around inside it and carry out their activities of daily living.

Since 2021, our office has interceded on multiple occasions with the Service de l'habitation, urging it to find impactful solutions to the problem of systemic delays in management of the PADM. The entity has made several commitments to that end, which we have been closely monitoring because the issue is a crucial one: preventing vulnerable people from being institutionalized because of the time it takes for the Service to assess their request for a home adaptation subsidy.

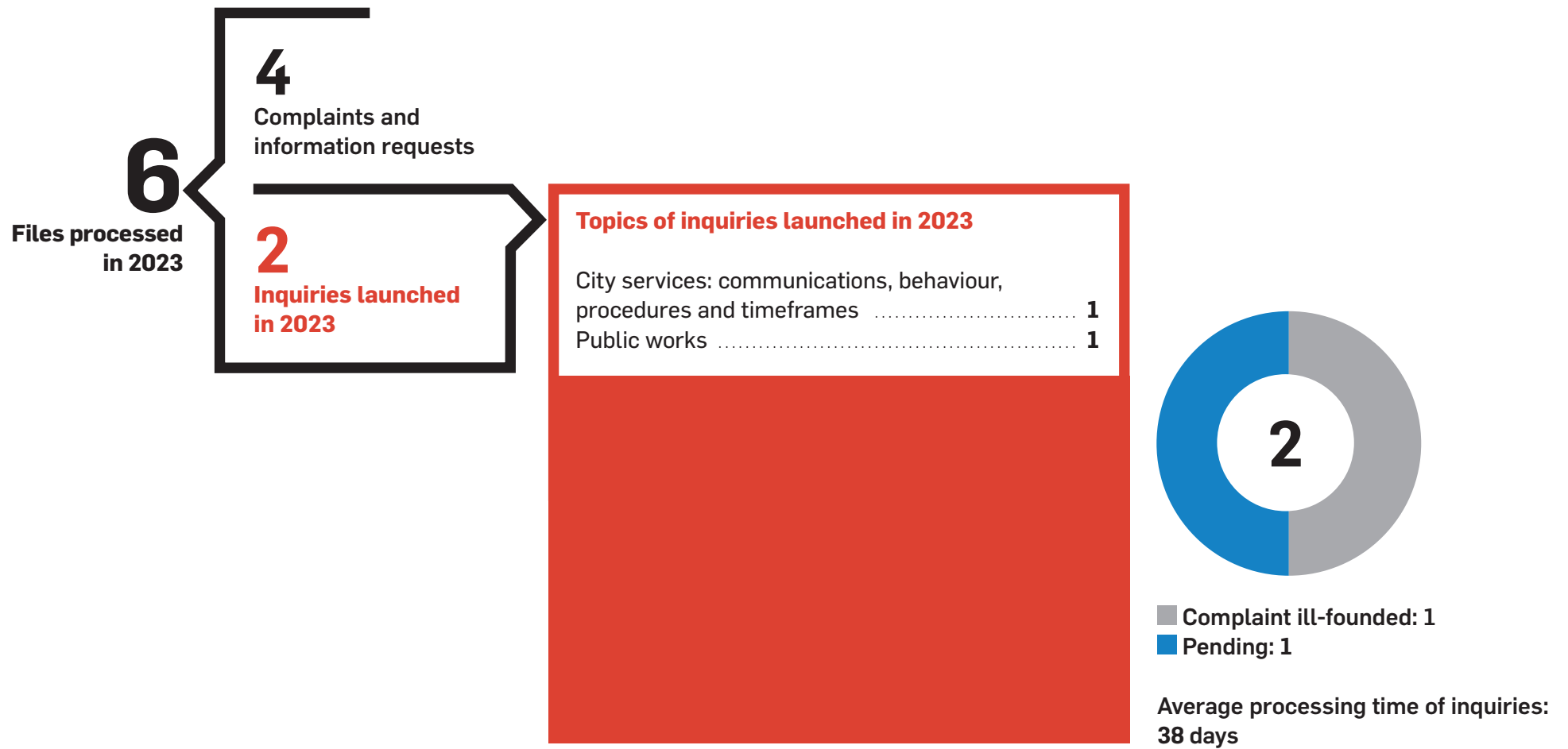
The entity adopted a two-pronged approach to solving the problem: improve staffing and conduct a regulatory review of the program. It is expected that a light track for non-complex work will be offered with a simplified approval process, as part of the new program, to considerably reduce processing times.

In late October 2023, we were pleased to learn that the Service de l'habitation had achieved its target of complying with a maximum of 25 completed applications pending processing. The average time it takes to approve a request, however, must still be improved upon.

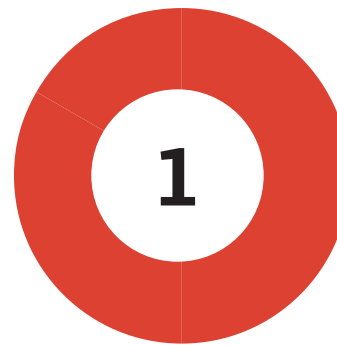
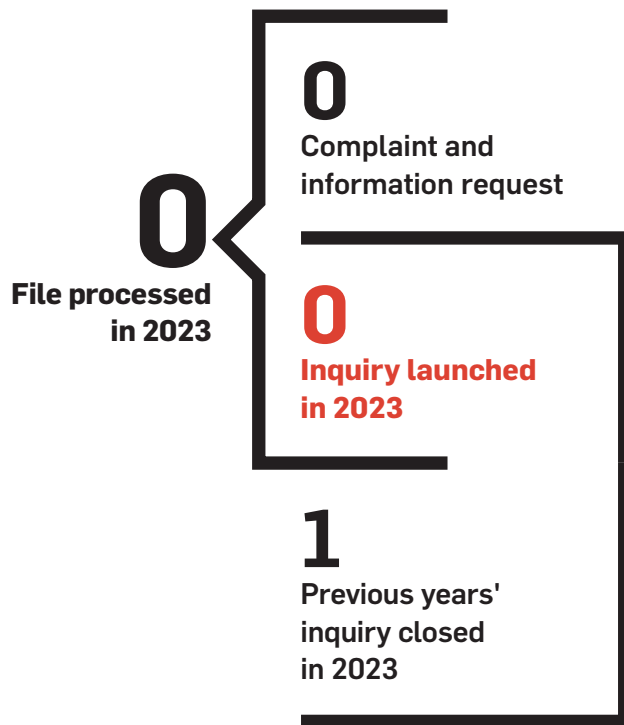
Lastly, and very timely: the newly overhauled program took effect on October 24, 2023. We are optimistic that it will deliver significant efficiency and performance gains.

Further monitoring will be conducted in 2024.

## Service des infrastructures du réseau routier



## Service du matériel roulant et des ateliers



■ Complaint founded: 1

Average processing time of inquiries:  
138 days

### EXAMPLE OF INQUIRY CLOSED IN 2023

#### Nuisances in the vicinity of the Clos des Carrières

For several years, residents living adjacent to the Clos des Carrières had complained about nuisances linked to municipal operations at the site. They felt it should be relocated or that the City should institute noise-abatement measures. Our long-term inquiry, initiated in 2019, allowed us to open communications channels with all of the City entities involved, so that we could understand the context, identify solutions and work to build greater harmony between site operations and area residents' quality of life.

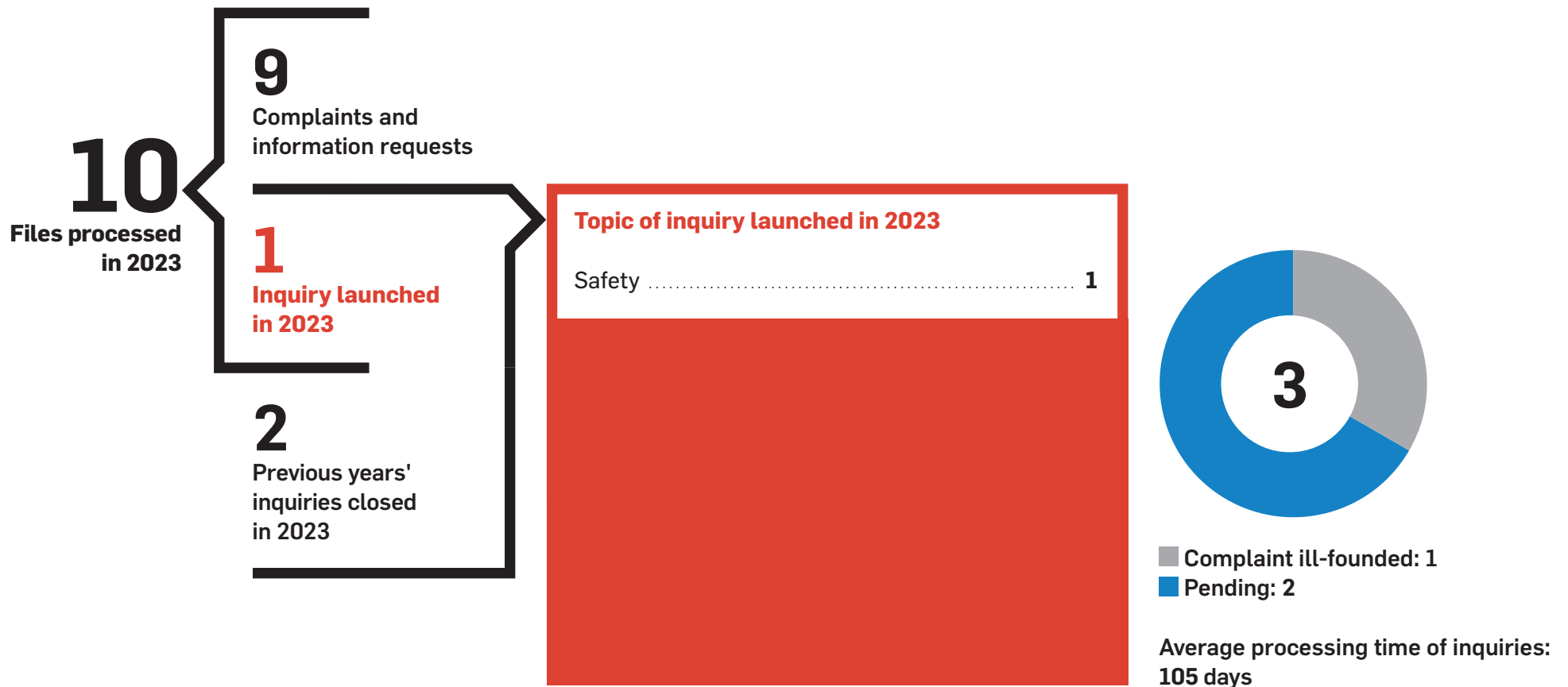
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# Service de sécurité incendie de Montréal



## EXAMPLE OF INQUIRY CLOSED IN 2023

### Lack of direct access to a traffic lane: long-standing case nearing resolution

In this long-running case, which we wrote about in our 2022 Annual Report, the representatives of the syndicate of co-owners of two condo buildings have for several years been complaining to the City about the lack of direct access to a traffic lane for one of the buildings, erected in 2014.

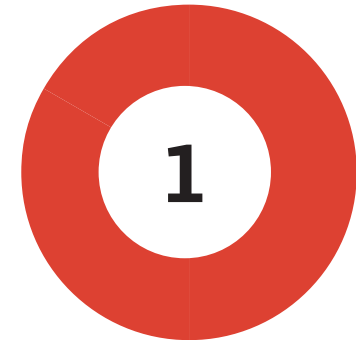
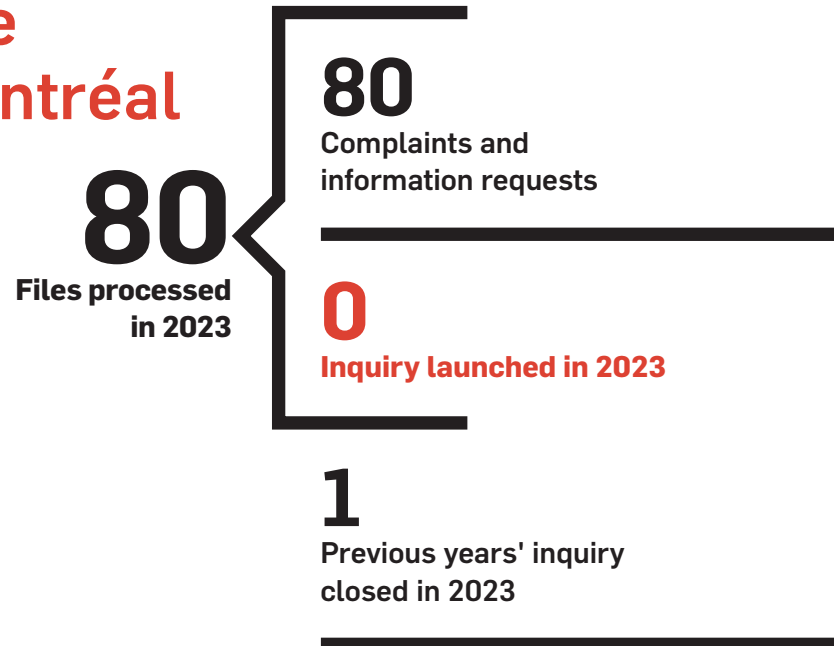
After submitting to the entities involved our report summarizing the history of the condo project and the City's role in its development, and in which we requested that a permanent solution be implemented, we continued our actions and the case has moved forward.

The borough has committed to reviewing and improving the temporary access route for emergency vehicles that had been built following a notice from the Régie du bâtiment du Québec. A budget has been secured for the work to be executed in 2024.

In addition, financing for a plan to bury a power line that runs alongside the site and presents safety issues has been included in the 2024–2033 10-year capital works program.



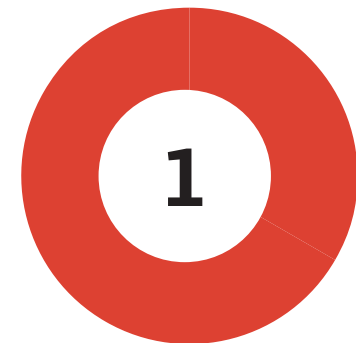
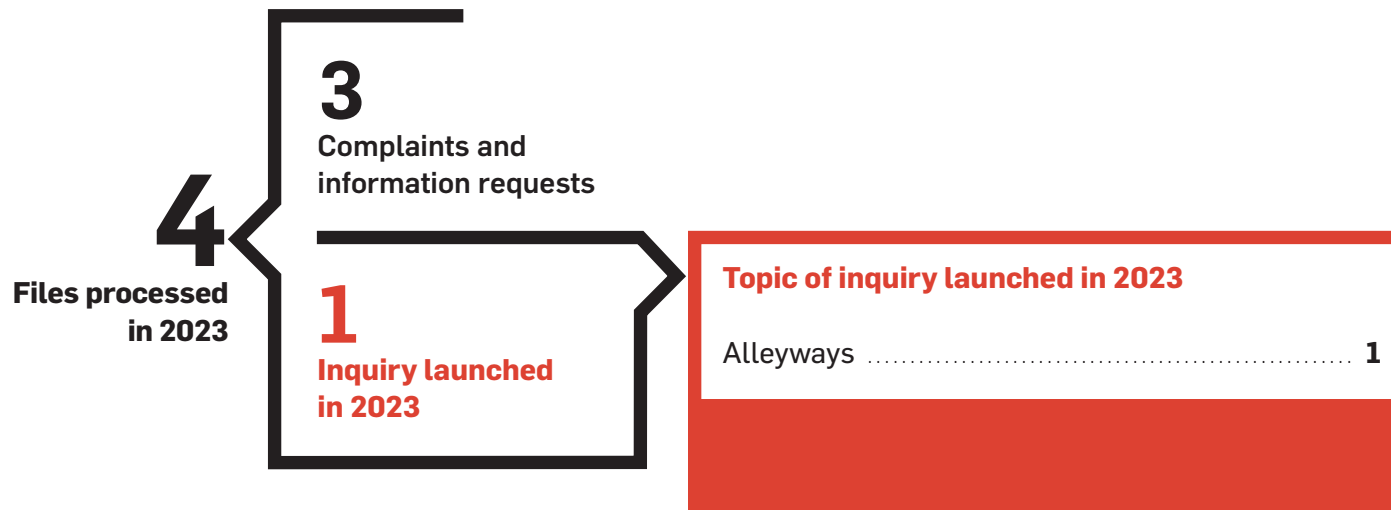
## Service de police de la Ville de Montréal



■ Complaint founded: 1

Average processing time of inquiries: 263 days

## Service de la stratégie immobilière



■ Complaint founded: 1

Average processing time of inquiries: 190 days

### EXAMPLE OF INQUIRY CLOSED IN 2023

#### When an alleyway isn't an alleyway

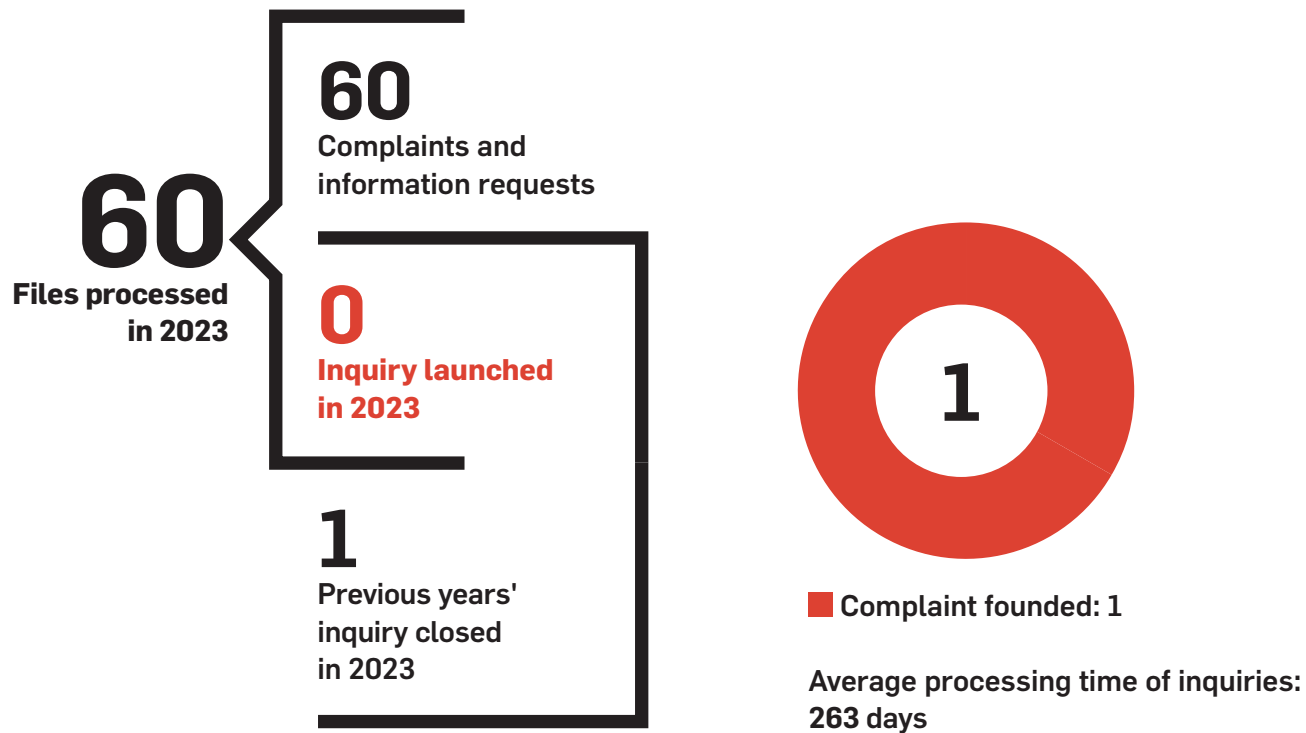
A resident wished to acquire a part of the alleyway bordering the rear and side of his property. The space in question is de facto occupied by neighbourhood residents and the alleyway is not passable as a result. Another neighbour had had no problem acquiring her portion of the alleyway. The complainant resident's file, however, had been closed. He contacted us for help in understanding why, and in reopening the file.

The borough told us that it had rejected the transfer of the alleyway because some buildings would have been enclaved (cut off from road access) as a result. Our inquiry revealed a complex legal situation. On paper, the alleyway did indeed consist of three distinct portions, with different rules for each:

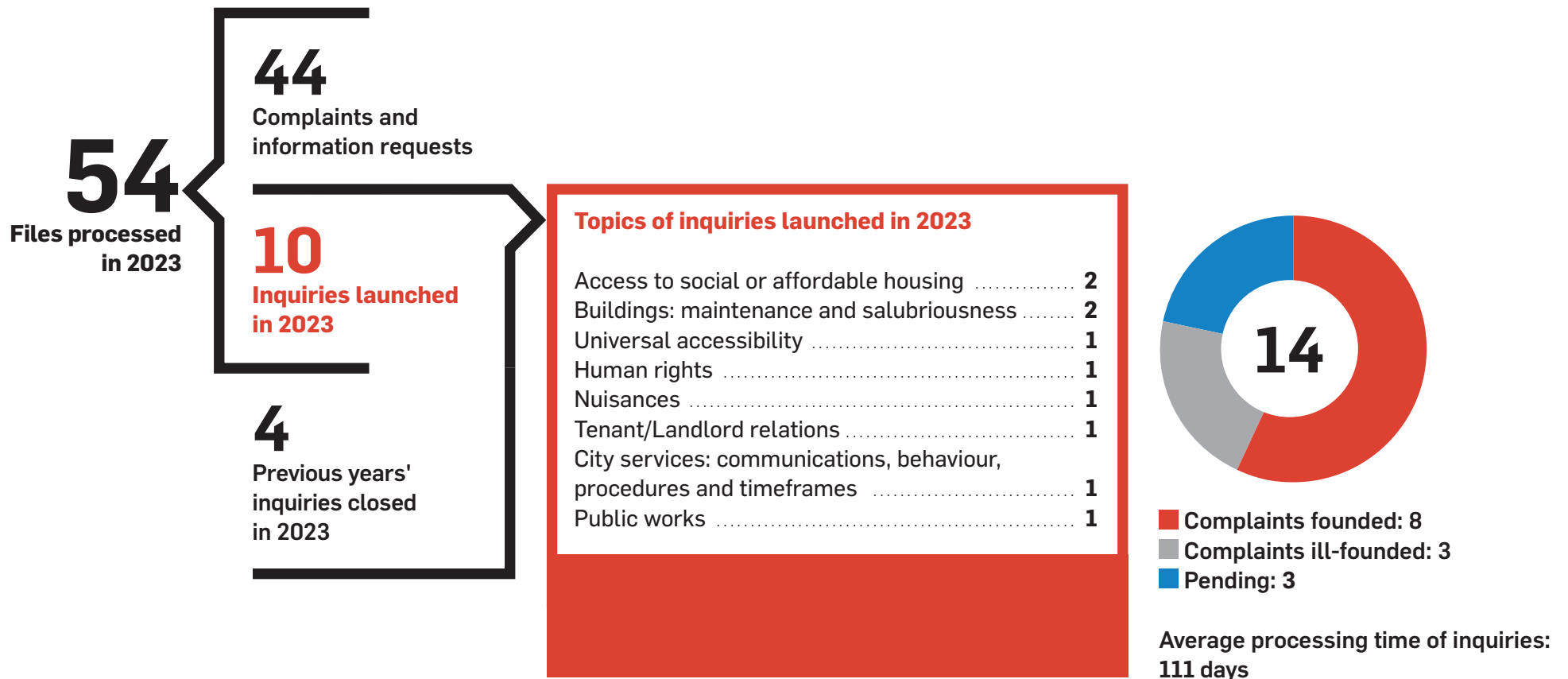
- Rear portion: the alleyway had been closed pursuant to a by-law, and the rules in force at the time it was closed allowed for its transfer to neighbourhood residents because the enclavement situation was treated differently at that time. The file was therefore reactivated, and the resident permitted to acquire this portion.
- Lateral portion: this alleyway segment remains public property and the current rules apply. Those rules state that a transfer of an alleyway cannot result in a building becoming non-compliant. To assess the compliance of the properties concerned, the borough had to have access to certain plans, which it did not possess. Once those plans were acquired, the borough could then continue to review the matter.
- Portion transferred to a neighbour: the legal situation allowed for the acquisition of the portion of the alleyway transferred to a neighbour.

## Other entities

### Agence de mobilité durable



## Office municipal d'habitation de Montréal (OMHM)



### EXAMPLE OF INQUIRY CLOSED IN 2023

#### Implementation of a new verification system

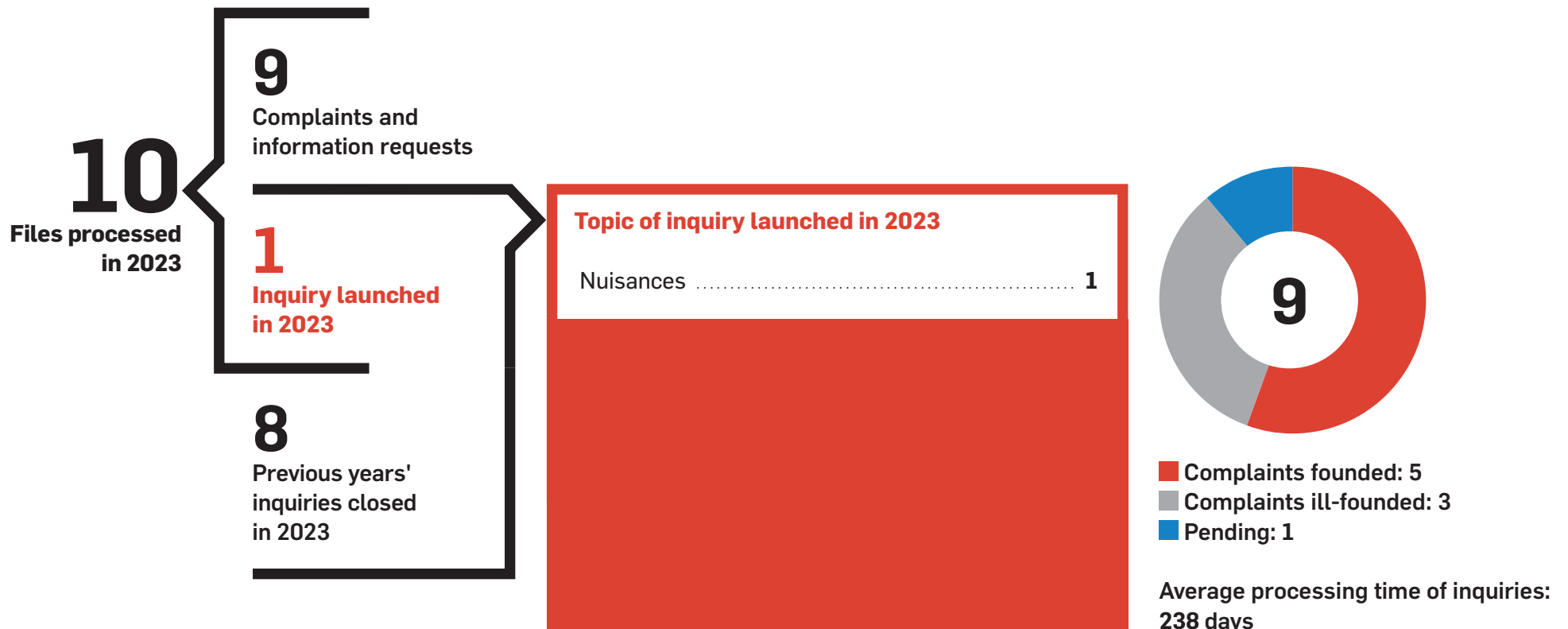
As part of an investigation into the OMHM's refusal of a housing-change request following an unfavourable decision by the selection committee, we were informed that said committee processes several hundred files at each of its meetings, which are held four to six times per year. That number struck us as very high, and we feared that the processing of such a large number of files in such a short time might be the reason for the errors we found as part of our previous investigation.

We recommended that the OMHM implement a mechanism for oversight and management of the quality of opinions received by the selection committee to ensure that recommendations are sufficiently thought through and discussed by the team before any formal decision is made.

The OMHM has set up a new system that ensures more efficient processing as well as more objective and enlightened analysis of requests, by three means:

1. Before a case that has received a negative operational recommendation from the OMHM is submitted to the selection committee, its Legal Affairs department will study it. This additional step will add legal insights to the decision-making process for the committee to consider when making its decision.
2. The Legal Affairs department will provide detailed training to the OMHM staff members who make recommendations to the selection committee, to ensure they are fully cognizant of the rules applicable when reviewing requests.
3. The OMHM will revisit its refusal-letter templates.

# Société d'habitation et de développement de Montréal (SHDM)



## EXAMPLE OF INQUIRY CLOSED IN 2023

### Tenant-landlord relations: learning from past experience and rebuilding trust with the right tools

A group of tenants in a building belonging to the Société d'habitation et de développement de Montréal (SHDM) filed the following grievances with the lesser:

1. Violations of privacy;
2. Insufficient follow-up on service requests;
3. Deficient building management.

The examples submitted to support the complaint and the events that occurred during our inquiry spoke volumes: repeated failures by the lesser to comply with the legal requirements governing access to the units, a water leak in the courtyard that lasted several months, delays in sealing crawl spaces and a mix-up over a change of keys.

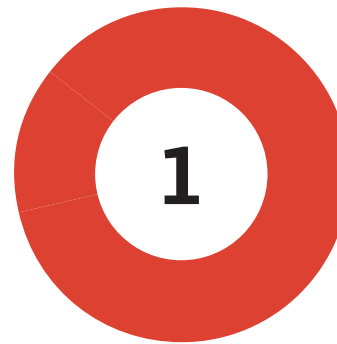
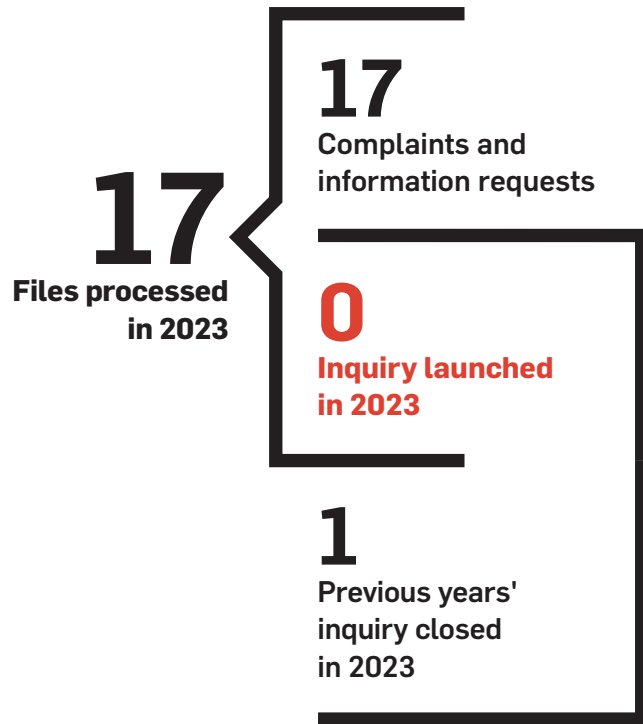
The SHDM, following our suggestion, developed and disseminated clear,

detailed guidelines concerning the 24-hour verbal or written notice required for a visit or inspection of a dwelling, and the written notice in the case of major work, in accordance with the *Civil Code of Québec* and applicable case law.

Shortcomings in communication both internally and between the manager and tenants were the cause of many of the incidents that led to tensions. Meetings have been introduced to ensure smoother information flow among the internal stakeholders. The parties involved met, with the advisor to the ombudsman present, and, after stating their respective cases, affirmed their intention to maintain a respectful, constructive relationship.

In addition, the SHDM has committed to improving its management of service requests by adding functionalities relative to processing times and quality control of services. At present, we are continuing to follow up on that commitment.

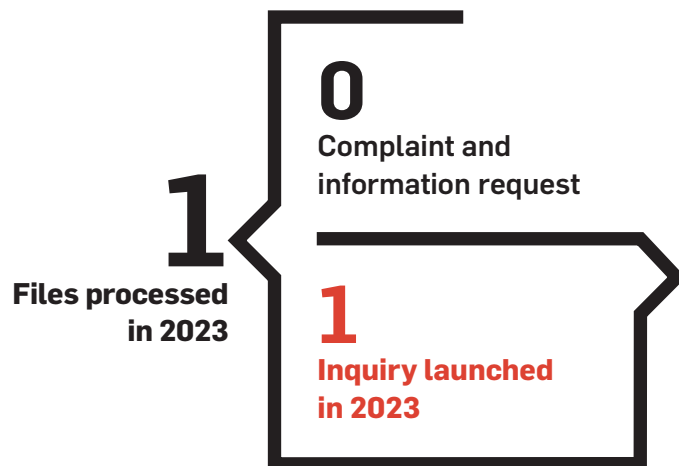
## Société de transport de Montréal



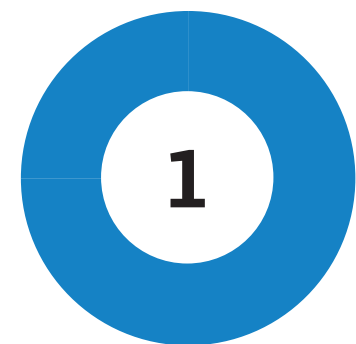
■ Complaint founded: 1

Average processing time of inquiries:  
152 days

## Corporation de gestion des marchés publics de Montréal

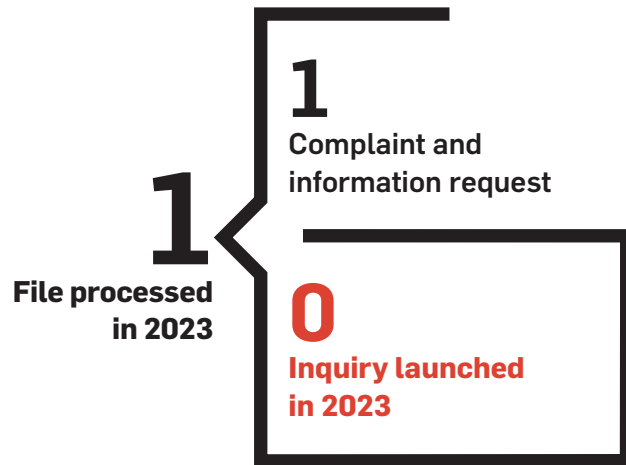


| Topic of inquiry launched in 2023                         |   |
|---|---|
| Transformation, construction and demolition permits ..... | 1 |

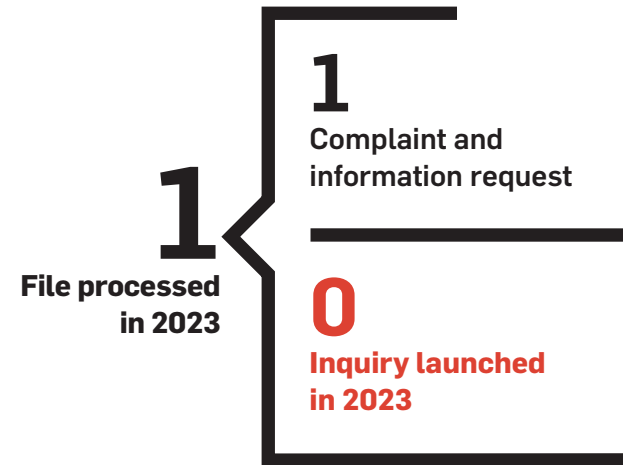


■ Pending: 1

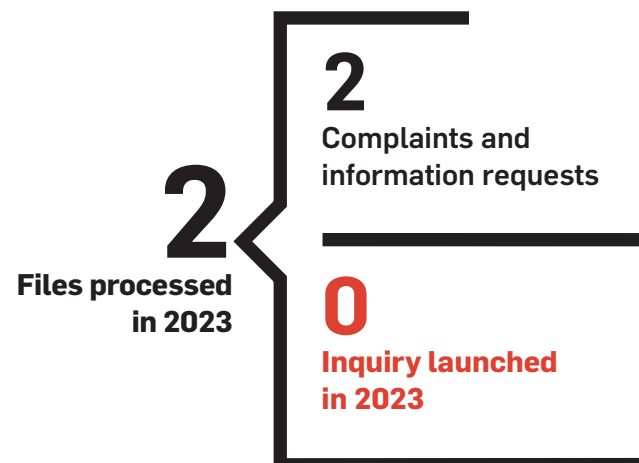
## BIXI



## Commission des services électriques



## Société du parc Jean-Drapeau



# Recommendations

“ I wanted to thank you one last time for your listening ear, your support, and the professionalism you have demonstrated in handling my case. ”

D. D.



## Recommendations accepted

### An inclusive city, no matter what the season

In 2022, two organizations asked us to take action regarding shortcomings in snow removal. Specifically, pick-up/drop-off areas or persons with reduced mobility were often not cleared until several days after a snowfall, contributing to these citizens' isolation. They also had to cope with inadequately cleared sidewalks and intersections, which further limited their mobility.

The OdM conducted an extensive systemic investigation of City of Montréal entities, including the Service de la concertation avec les arrondissements, the 19 boroughs and the Service de la diversité et de l'inclusion sociale.

In the summer of 2023, we sent these entities an investigation report entitled *Montréal: inclusive été comme hiver*, in which we made three recommendations based on the *Montréal Charter of Rights and Responsibilities*. They concerned improvements to snow removal at pick-up/drop-off areas and sidewalk corners, improvements to the processing of requests made to 311, and governance on universal accessibility.

As of year-end 2023, discussions were still ongoing.

Since then, the City has accepted our recommendations and pledged to make structural changes, some of them never before implemented, so as to improve snow clearing of pick-up/drop-off areas:

- Pick-up/drop-off areas will be continually cleared once snow accumulation reaches 5 cm;
- There will be a single team dedicated to snow clearing of pick-up/drop-off areas throughout Montréal;
- Pick-up/drop-off areas will be upgraded to comply with standard dimensions and make snow removal easier;
- New training will be developed and given to operators, 311 agents and managers.



“Your voice is soft and calm. Exactly what I needed. Thank you for comforting me. You have all my esteem and gratitude.”

R. L.



## Recommendation rejected

### **Curb cut needed to access a vested-right parking area withdrawn by borough: recommendation by the OdM to restore it rejected**

The borough had removed a curb cut providing access to the parking space on the side of a resident's property. The resident challenged the decision of the borough, which refused to restore the curb cut.

The facts of the matter are as follows:

- From the time of its construction in 1982 until 2017, i.e., for 35 years, the building had a curb cut that provided access to an indoor garage as well as to a parking space on the side of the property.
- The portion of the curb cut to the left of the driveway providing access to the garage could also allow the passage of a recreational vehicle.
- In 2017, as part of road repair work, the borough reduced the width of the resident's curb cut on the grounds that it served a space on the side of the building covered in grass pavers, although the by-law authorize this type of paving.
- Following the work done by the borough, the resident was deprived of the parking space on the side of the property as well as the driveway for his recreational vehicle.

The by-law history showed that the parking space in question was compliant and legal at the time it was built, as was the accompanying curb cut, hence the existence of a vested right.

The borough stood by its decision, citing the principle that there is no vested right to public property, of which the resident's curb cut is a part.

We do not dispute that principle. This is not the issue here. Rather, the question is whether the resident has a vested right to the parking space on the side of the property, in which case the curb cut, which provides access to the parking space and is necessary for its use, should be maintained. Without a curb cut, there can be no parking space. The borough does not have the discretion, by virtue of its public-domain argument, to remove a private parking space that benefits from a vested right.

We recommended that the borough recognize the vested right as it is defined above, and restore the disused curb cut.

Once again citing the above-mentioned principle, the borough rejected our recommendation, without justification as to the core issue of the vested right to the parking space on the side of the property.



“ The work and professionalism you have demonstrated on this matter are greatly appreciated. ”

R. L.



# PHOTOS CREDITS

## **Portraits de Montréal**

Thibault Carron  
Samuel V. Rocheleau  
Mikaël Theimer

Cover and back, as well as pages 7, 9, 10, 13, 14, 15, 17, 18, 19, 20, 73 and 74

## **Robitaille Photo**

Luc Robitaille

Ms. Nadine Mailloux portrait  
Cover and page 6

## **Martine Doyon Photographe**

Martine Doyon

Team portraits  
Cover and back, as well as page 8  
and pages 5, 12, 21, 22, 24 and 72

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